ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 10. COMMUNITY DEVELOPMENT

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 1. ADMINISTRATION

SUBCHAPTER A. GENERAL POLICIES AND PROCEDURES

10 TAC §1.2

The Texas Department of Housing and Community Affairs (the Department) adopts the amendment of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.2 Department Complaint Process, with non-substantive changes to the text previously published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3477). The rule will be republished. The rule relates to how complaints may be filed with the Department. The purpose of the amendment is to remove reference to submitting complaints via fax.

Tex. Gov't Code §2001.0045(b) does not apply to the rule because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the amended section would be in effect:

1. The amended section does not create or eliminate a government program but relates to the process to be used for persons wishing to file a complaint with the Department.

2. The amended section does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

3. The amended section does not require additional future legislative appropriations.

4. The amended section will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.

5. The amended section does not create a new regulation.

6. The amended section will not expand nor contract an existing regulation.

7. The amended section will not increase or decrease the number of individuals subject to the rule's applicability.

8. The amended section will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the amended section and determined that the action will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The amended section does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the amended section as to its possible effect on local economies and has determined that for the first five years the rule would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the amended section is in effect, the public benefit anticipated as a result of the amended section would be an updated and more germane rule. There will not be economic costs to individuals required to comply with the amended section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the amended section is in effect, enforcing or administering the rule does not have any foreseeable implications related to costs or revenues of the state or local governments.

SUMMARY OF PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department accepted public comment on the amendment from February 20, 2026, to March 22, 2026. One comment was received from Texas Housers.

§1.2(b)(2) Definition of Complaint

Commenter opposes the removal of the option to fax a complaint. They suggest that as long as TDHCA still has a working fax machine, this option should remain in the rule. More methods of submitting a complaint are better. Complainants using this method are likely low income and have no or infrequent internet access. Submitting complaints over the phone is only available as a reasonable accommodation and fax is faster than submission via mail.

Department Response: The Department does not have a consistently serviced fax machine, nor are any of those remaining fax machines at the Department checked consistently for incoming communications. Therefore, receiving complaints via fax is no longer feasible. No change to the rule amendment is made in response to this comment.

STATUTORY AUTHORITY. The amended section is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the amended section affects no other code, article, or statute.

§1.2. Department Complaint Process.

(a) Purpose. The purpose of this section is to establish the procedures by which complaints are filed with the Department and how the Department handles those complaints under Department jurisdiction in compliance with Tex. Gov't Code §2306.066, Tex. Gov't Code, Chapter 2105, Subchapter C, and 24 CFR §91.115(h), as applicable.

(b) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Complainant--A Person filing a Complaint.

(2) Complaint--A complaint submitted to the Department in writing (via mailed letter, email, or submitted online through the Department website) from a person that believes the Department has the authority to resolve the issue.

(3) Complaint Coordinator--Department employee designated by the Executive Director or their designee to monitor the Public Complaint System and coordinate activities related to complaints.

(4) Complaint Liaison--The Department employee(s) designated by each division or program to handle each division or program's complaint-related issues.

(5) Department--The Texas Department of Housing and Community Affairs.

(6) Person--Any individual, other than an employee of the Department, and any partnership, corporation, association, governmental subdivision, or public or private organization of any character.

(7) Public Complaint System--Department-created system used to track complaints received by the Department.

(c) Applicability. Except as specifically adopted in whole or in part by rule or contractual provision this rule is not applicable to:

(1) Consumer complaints relating to manufactured housing which are alternatively addressed by §80.73 of this title relating to Manufactured Housing Procedures for Handling Consumer Complaints; and

(2) Complaints filed in association with temporary Department programs for which a separate Complaint process has been established.

(d) Procedures.

(1) Complaint Submission. A Person who has a Complaint may submit such Complaint in writing to the Department, which will be directed to a Complaint Coordinator. If an accommodation because of a disability is needed in relation to the process of filing of a Complaint, the Person interested in filing the Complaint should refer to §1.1 of this chapter, (relating to Reasonable Accommodation Requests to the Department); if assistance is needed for non-English speaking persons, the Person interested in filing the Complaint should access the Department's Language Assistance webpage (https://www.tdhca.state.tx.us/lap.htm).

(2) Upon receipt of a Complaint:

(A) A Complaint Coordinator will enter the complaint in the Public Complaint System.

(B) A Complaint Coordinator will review the Complaint and as needed, forward the Complaint to the appropriate program or division Complaint Liaison(s).

(C) Notwithstanding any other provisions of this subsection, in the case of Complaints received by the Department in which no method of contacting the Complainant was provided, the Complaint Coordinator will close the Complaint in the Public Complaint System and provide a copy of the Complaint to the applicable program or division for informational purposes only.

(D) A Complaint Coordinator may also identify whether a Complaint received involves a potential Reasonable Accommodation request involving a Department recipient or property; in such cases the Complaint will be handled as provided for in §1.204 of this chapter relating to Reasonable Accommodations.

(E) Complaints that have potential Fair Housing Act violations may, at the Department's discretion, be also referred to the Texas Workforce Commission's Civil Rights Division.

(F) The Department will notify the Complainant of the status of the Complaint at least quarterly until there is a disposition of the Complaint, which is the final determination; there is no further process available, except as otherwise provided in state or federal law.

(3) A Complaint Liaison will research and evaluate the issues identified in the Complaint, and then resolve and close the Complaint. The Complaint Liaison will enter in the Public Complaint System summaries of each contact made with the Complainant and any actions taken leading to complaint resolution.

(4) The Complaint Coordinator may submit periodic summary reports or analysis to the Executive Director or designee.

(5) The Department will provide to the Person filing the Complaint, and to each Person who is a subject of the Complaint (to the extent contact information is available), a link to this rule, which serves as the Department's policy and procedures relating to complaint investigation and resolution.

(6) The Department will either notify the Complainant of the resolution of the Complaint within 15 business days after the date the Complaint was received by the Department, or notify the Complainant, within such period, of the date the Complainant can expect a response to the Complaint.

(7) Additional Complaints submitted by the same Complainant describing an issue which has previously been closed, had a final resolution, and for which there is no substantively new information presented, will be considered resolved by the Department. A letter to this effect will be sent to the Complainant by the Department. In such cases, a new Complaint will not be opened in the system.

(8) An information file about each Complaint will be maintained. The file must include:

(A) the Complaint number;

(B) the name of the Complainant;

(C) the date the Complaint was received by the Department;

(D) the subject matter of the Complaint;

(E) the name of each Person contacted in relation to the Complaint, if applicable;

(F) a summary of the results of the review of the Complaint;

(G) the date the Complaint was closed; and

(H) an explanation of the final resolution of the Complaint including the reason the file was closed.

(9) A Complaint may be withdrawn by the Complainant at any time.

(10) A Complainant may request and receive from the Department copies of any documentation or records collected by the Department with regard to the Complaint, subject to the Texas Public Information Act.

(11) Adherence to these procedures is not required by the Department if another procedure is required by law, or if the following of a procedure above would jeopardize an audit or Government investigation.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 9, 2026.

TRD-202602814
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Effective date: July 29, 2026
Proposal publication date: May 22, 2026
For further information, please call: (512) 475-3959

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CHAPTER 2. ENFORCEMENT
SUBCHAPTER C. ADMINISTRATIVE PENALTIES

10 TAC §2.302

The Texas Department of Housing and Community Affairs (the Department) adopts, without changes to the text previously published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3479), the repeal of 10 TAC Chapter 2, Subchapter C, Administrative Penalties, §2.302 Administrative Penalty Process. The rule will not be republished. The purpose of the repeal is to eliminate the outdated rule and replace it simultaneously with a new rule that incorporates changes to the HOME Final Rule published by the United States Department of Housing and Urban Development (HUD), changes pursuant to Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and minor rule clarifications.

Tex. Gov't Code §2001.0045(b) does not apply because there are no costs associated with the repeal.

The Department has analyzed this rulemaking, and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program but relates to changes to an existing activity: the enforcement of the Department's program rules.

2. The repeal does not require a change in work that creates new employee positions.

3. The repeal does not require additional future legislative appropriations.

4. The repeal will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The repeal is not considered to expand an existing regulation.

7. The repeal does not increase the number of individuals subject to the rule's applicability.

8. The repeal will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the repeal and determined that the repeal will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the changed sections would be an updated and more germane rule. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

SUMMARY OF PUBLIC COMMENT. The public comment period was held May 22, 2026 to June 22, 2026, to receive input on the proposed repealed section. No comments were received relating to the repeal.

STATUTORY AUTHORITY. The repeal is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the repeal affects no other code, article, or statute.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 9, 2026.

TRD-202602822

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

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Proposal publication date: May 22, 2026

For further information, please call: (512) 475-3959

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10 TAC §2.302

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figures in 10 TAC §2.302 are not included in the print version of the Texas Register. The figures are available in the on-line version of the July 24, 2026, issue of the Texas Register.)

The Texas Department of Housing and Community Affairs (the Department) adopts, with changes to the text previously published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3480), new 10 TAC Chapter 2, Subchapter C, Administrative Penalties, §2.302 Administrative Penalty Process. The rule will be republished. The purpose is to eliminate the outdated rule and replace it simultaneously with a new rule that incorporates changes to the HOME Final Rule published by the United States Department of Housing and Urban Development (HUD), changes pursuant to Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and minor rule clarifications.

Tex. Gov't Code §2001.0045(b) does not apply because there are no additional costs associated with this action. Sufficient existing state and/or federal administrative funds associated with the applicable programs are available to offset costs. No additional funds will be needed to implement this rule.

The Department has analyzed this rulemaking, and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the new sections would be in effect:

1. The rule does not create or eliminate a government program but relates to changes to an existing activity: the enforcement of the Department's program rules.

2. The rule does not require a change in work that creates new employee positions.

3. The new section will not require additional future legislative appropriations.

4. The new section will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.

5. The new section is not creating a new regulation.

6. The new section does expand on an existing regulation.

7. The new section does not increase the number of individuals subject to the rule's applicability.

8. The new section will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the new section and determined that it will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new section does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the new section as to its possible effects on local economies and has determined that for the first five years the new section would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5).

Mr. Wilkinson has determined that, for each year of the first five years the new section is in effect, the public benefit anticipated as a result of the new section would be improvement in the Department's ability to enforce noncompliance relating to the HOME Final Rule and PRWORA. The rule does provide for administrative costs to owners that fail to comply. There will not be economic costs to individuals required to comply with the new section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the new section is in effect, enforcing or administering the sections may have some costs to the state to implement the verification process and to the Department's subrecipients in administering the rule changes. However, sufficient state or federal administrative funds associated with the applicable programs are already available to offset costs. No additional funds will be required.

SUMMARY OF PUBLIC COMMENT. The public comment period was held May 22, 2026, to June 22, 2026, to receive input on the proposed new rule. Four comments were received from Tracy Andrus, Disability Rights Texas, Texas Housers, and Texas Affiliation of Affordable Housing Providers (TAAHP), and, comments are summarized below.

General Comment:

Comment Summary: Most of Commenter 1's submitted comments are general in nature and are already addressed in the rules, therefore standing outside of the scope of the current rule amendment. For example, Commenter 1 states that due process protections should be strengthened to require written notice of all allegations, disclosure of evidence, meaningful cure opportunities, neutral administrative review, and the right to confront and respond to allegations before penalties are imposed. Commenter 1 also states that TDHCA should be required to consider the organization's good faith efforts, corrective actions taken, prior compliance history, reliance upon TDHCA approvals, and the public harm caused by disrupting services.

Staff Response: Staff agrees that due process protections are important, however, Commenter 1's suggestions are unproductive. The enforcement rules at 10 TAC §2.103 and 10 TAC §2.301 already provide for written notice and an opportunity to cure events of noncompliance that are susceptible to being corrected. Similarly, an opportunity for a neutral administrative review is already provided via an informal conference with the Department's Enforcement Committee per 10 TAC §2.302 and 10 TAC §2.401, the members of which are appointed by the TDHCA Executive Director, and drawn from throughout the Department. Members from the referring division are often present during an informal conference, but must leave before deliberations to ensure impartiality, in accordance with 10 TAC §2.102(5). Likewise, the factors that Commenter 1 suggests considering are already considered by the Enforcement Committee per Tex. Gov't Code 2306.042, 10 TAC §2.302(h)(4), and 10 TAC §2.401(j). No changes are recommended to the rule.

General Comment:

Comment Summary: Commenter 1 states that administrative penalty processes should not become mechanisms for coercion, retaliation, or excessive punitive enforcement against nonprofits attempting to serve high-risk and underserved populations.

Staff Response: 10 TAC §2.101 states that enforcement mechanisms are used to bring about compliant administration of Department funded state and federal programs. Owners who disagree with an administrative penalty recommendation made by the Enforcement Committee after an informal conference have the right to request a contested case hearing with the State Office of Administrative Hearings in accordance with 10 TAC §2.302(i) and 10 TAC §1.13. Owners who disagree with a debarment recommendation made by the Enforcement Committee after an informal conference have the right to appeal to the TDHCA Board in accordance with 10 TAC §2.401(l). No changes are recommended to the rule.

General Comment:

Comment Summary: Commenter 1 urges safeguards to ensure TDHCA's compliance with fair housing laws, protection against discrimination, protection of sensitive information, and clear uniform procedures statewide.

Staff Response: Department rules already address the concerns listed above. The current amendment under consideration is to effectuate changes required by federal guidance. No changes are recommended to the rule.

10 TAC §2.302(k): Penalty Schedules

Comment Summary: Commenter 2 supports updates to the penalty table, particularly those relating to accessibility noncompliance in contracts or LURAs, failure to accept timely paid rent, terminated utilities, and failure to follow appeal and grievance policies.

Staff Response: Staff appreciates the support. No revisions are recommended.

10 TAC §2.302: Administrative Penalty Process, regarding PRWORA:

Comment Summary: Commenter 3 opposes PRWORA-related rulemaking and proposes delaying implementation until further expected HUD and DHS guidance is published, highlighting that Texas is the only state to update its rules ahead of that additional guidance, potentially exposing residents, providers, and TDHCA to unnecessary risk and harm. It is too early to begin enforcing new PRWORA policies since the rules are untested, and aggressive property owners seeking to comply could cause program-eligible tenants to lose their housing.

Staff Response: The Department has already completed rulemaking in 10 TAC §10.628 that sets a compliance date of August 1, 2026. No changes are recommended to the rule, but staff anticipates that further rule changes may be required in the future.

10 TAC §2.302: Administrative Penalty Process, regarding PRWORA

Comment Summary: Commenter 4 suggests that a penalty should not be imposed for failure to obtain supporting documentation when verification results are pending, delayed, or inconclusive for reasons outside of the owner's control, provided that the Owner is timely pursuing verification. Commenter 4 argues that an Owner should not be penalized as though it had failed to request or pursue the documentation.

Staff response: This change is reasonable for pre-existing households that are required to provide this documentation at renewal, but it is not reasonable to extend an exception to new applicants. A limited change is recommended for owners who follow the requirements of 10 TAC §10.802(l)(1) relating to lease renewals for existing households with original occupancy dates prior to August 1, 2026.

10 TAC §2.302: Administrative Penalty Process, regarding PRWORA

Comment Summary: Commenter 4 suggests there should not be a duplicate penalty for the same underlying documentation issue under both the legal-status documentation finding and the attestation finding, and suggests a per lease violation rather than per person.

Staff Response: Staff disagrees. The requirement for the documentation verifying legal status and the requirement for a signed attestation that no household members lack qualified legal status under PRWORA are two distinct lease requirements. Additionally, the procedure under 10 TAC §10.802(l)(1) is only applicable to the requirement for documentation of legal status, and is not applicable to the attestation provision, so it would not make sense to combine both violations into one category.

10 TAC §2.302: Administrative Penalty Process, regarding SAVE System

Comment Summary: Commenter 4 suggests limiting the potential penalty for failure to sign an agreement to access the SAVE system if an agreement is required under 10 TAC §10.628(f)(2)(A) or (C).

Staff Response: The penalty table already states, "as described in 10 TAC §10.628", so a violation would only be assessed if a SAVE agreement is required under that rule. No changes are necessary.

STATUTORY AUTHORITY. The new section is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein, the new section affects no other code, article, or statute.

§2.302. Administrative Penalty Process.

(a) The Executive Director will appoint an Enforcement Committee, as defined in §2.102 of this chapter (relating to Definitions).

(b) The referring division will recommend the initiation of administrative penalty proceedings to the Committee by referral to the secretary of the Committee (Secretary). At the time of referral for a multifamily rental Development, the referral letter from the referring Division will require the Responsible Party who Controls the Development to provide a listing of the Actively Monitored Developments in their portfolio. The Secretary will use this information to help determine whether mandatory Debarment should be simultaneously considered by the Enforcement Committee in accordance with §2.401(e)(2) of this chapter, (relating to repeated violations).

(c) The Secretary shall promptly contact the Responsible Party. If fully acceptable corrective action documentation is submitted to the referring division before the Secretary sends an informal conference notice, the referral shall be closed with no further action provided that the Responsible Party is not subject to consideration for Debarment and provided that the referring division does not wish to move forward with the referral based upon a pattern of repeated violations. If the Secretary is not able to facilitate resolution, but receives a reasonable plan for correction, such plan shall be reported to the Committee to determine whether to schedule an informal conference, modify the plan, or accept the plan. If accepted, plan progress shall be regularly reported to the Committee, but an informal conference will not be held unless the approved plan is substantively violated, or an informal conference is later requested by the Committee or the Responsible Party. Plan examples include but are not limited to: a rehabilitation plan with a scope of work or contracts already in place, plans approved by the Department as part of the Previous Participation Review process provided for in 10 TAC Subchapter C for an ownership transfer or funding application, plans approved by the Executive Director, plans approved by the Asset Management Division, and/or plans relating to newly transferred Developments with unresolved Events of Noncompliance originating under prior ownership. Should the Secretary and Responsible Party fail to come to, an agreement or closer of the referral, or if the Responsible Party or ownership group's prior history of administrative penalty referrals does not support closure, or if consideration of Debarment is appropriate, the Secretary will schedule an informal conference with the Responsible Party to attempt to reach an agreed resolution.

(d) When an informal conference is scheduled, a deadline for submitting Corrective Action documentation will be included, providing a final opportunity for resolution. If compliance is achieved at this stage, the referral will be closed with a warning letter provided that factors, as discussed below, do not preclude such closure. Closure with a warning letter shall be reported to the Committee. Factors that will determine whether it is appropriate to close with a warning letter include, but are not limited to:

(1) Prior Enforcement Committee history relating to the Development or other properties in the ownership group;

(2) Prior Enforcement Committee history regarding similar federal or state Programs;

(3) Whether the deadline set by the Secretary in the informal conference notice has been met;

(4) Whether the Committee has set any exceptions for certain finding types; and

(5) Any other factor that may be relevant to the situation.

(e) If an informal conference is held:

(1) Notwithstanding the Responsible Party's attendance or presence of an authorized representative, the Enforcement Committee may proceed with the informal conference;

(2) The Responsible Party may, but is not required to be, represented by legal counsel of their choosing at their own cost and expense;

(3) The Responsible Party may bring to the meeting third parties, employees, and agents with knowledge of the issues;

(4) Assessment of an administrative penalty and Debarment may be considered at the same informal conference; and

(5) In order to facilitate candid dialogue, an informal conference will not be open to the public; however, the Committee may include such other persons or witnesses as the Committee deems necessary for a complete and full development of relevant information and evidence.

(f) An informal conference may result in the following, which shall be reported to the Executive Director:

(1) An agreement to dismiss the matter with no further action;

(2) A compliance assistance notice issued by the Committee, available for Responsible Parties appearing for the first time before the Committee for matters which the Committee determines do not necessitate the assessment of an administrative penalty, but for which the Committee wishes to place the Responsible Party on notice with regard to possible future penalty assessment;

(3) An agreement to resolve the matter through corrective action without penalty with a clear timeline included. If the agreement is to be included in an order, a proposed agreed order will be prepared and presented to the Board for approval;

(4) An agreement to resolve the matter through corrective action with the assessment of an administrative penalty which may be probated in whole or in part, and may, where appropriate, include additional action to promote compliance such as requirements to obtain training. In this circumstance, a proposed agreed order will be prepared and presented to Department's Governing Board for approval;

(5) A recommendation by the Committee to the Executive Director to determine that a violation occurred, and to issue a report to the Board and a Notice of Violation to the Responsible Party, seeking the assessment of administrative penalties through a contested case hearing with the State Office of Administrative Hearings (SOAH); or

(6) Other action as the Committee deems appropriate.

(g) Upon receipt of a recommendation from the Committee regarding the issuance of a report and assessment of an administrative penalty under subsection (f)(5) of this section, the Executive Director shall determine whether a violation has occurred. If needed, the Executive Director may request additional information and/or return the recommendation to the Committee for further development. If the Executive Director determines that a violation has occurred, the Executive Director will issue a report to the Board in accordance with §2306.043 of the Texas Government Code.

(h) Not later than 14 days after issuance of the report to the Board, the Executive Director will issue a Notice of Violation to the

Responsible Party, along with a Notice of Violation for Property Posting (which shall be printed and posted in two prominent places on the property subject to the Notice, and photographic proof of the posting shall be made). The Notice of Violation issued by the Executive Director will include:

(1) A summary of the alleged violation(s) together with reference to the particular sections of the statutes and rules alleged to have been violated;

(2) A statement informing the Responsible Party of the right to a hearing before the SOAH, if applicable, on the occurrence of the violation(s), the amount of penalty, or both;

(3) Any other matters deemed relevant, including the requirements regarding the Notice of Violation for Property Posting; and

(4) The amount of the recommended penalty. In determining the amount of a recommended administrative penalty, the Executive Director shall take into consideration the statutory factors at Tex. Gov't Code §2306.042 the penalty schedule shown in the tables in subsection (k) of this section and in the instance of a proceeding to assess administrative penalties against a Responsible Party administering the annual block grant portion of CDBG, CSBG, or LIHEAP, whether the assessment of such penalty will interfere with the uninterrupted delivery of services under such program(s). The Executive Director shall further take into account whether the Department's purposes may be achieved or enhanced by the use of full or partial probation of penalties subject to adherence to specific requirements and whether the violation(s) in question involve disallowed costs.

(i) Not later than 20 days after the Responsible Party receives the Notice of Violation, the Responsible Party may accept the requirements of the Notice of Violation or request a SOAH hearing.

(j) If the Responsible Party requests a hearing or does not respond to the Notice of Violation, the Executive Director, with the approval of the Board, shall cause the hearing to be docketed before a SOAH administrative law judge in accordance with §1.13 of this title (relating to Contested Case Hearing Procedures), which outlines the remainder of the process.

(k) Penalty schedules.
Figure 1: 10 TAC §2.302(k)
Figure 2: 10 TAC §2.302(k)
Figure 3: 10 TAC §2.302(k)

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202602823
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Effective date: July 29, 2026
Proposal publication date: May 22, 2026
For further information, please call: (512) 475-3959

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SUBCHAPTER D. DEBARMENT FROM PARTICIPATION IN PROGRAMS ADMINISTERED BY THE DEPARTMENT

10 TAC §2.401

The Texas Department of Housing and Community Affairs (the Department) adopts, without changes to the text previously published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3482), the repeal of 10 TAC Chapter 2, Subchapter D, Debarment from Participation in Programs Administered by the Department, §2.401 General. The rule will not be republished. The purpose of the repeal is to eliminate the outdated rule and replace it simultaneously with a new rule that incorporates changes to the HOME Final Rule published by the United States Department of Housing and Urban Development (HUD), changes pursuant to Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and minor rule clarifications.

Tex. Gov't Code §2001.0045(b) does not apply because there are no costs associated with the repeal.

The Department has analyzed this proposed rulemaking, and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program but relates to changes to an existing activity: the enforcement of the Department's program rules.

2. The repeal does not require a change in work that creates new employee positions.

3. The repeal does not require additional future legislative appropriations.

4. The repeal will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The repeal is not considered to expand an existing regulation.

7. The repeal does not increase the number of individuals subject to the rule's applicability.

8. The repeal will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the repeal and determined that the repeal will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the changed sections would be an updated and more germane rule. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

SUMMARY OF PUBLIC COMMENT. The public comment period was held May 22, 2026 to June 22, 2026, to receive input on the proposed repealed section. No comments were received relating to the repeal.

STATUTORY AUTHORITY. The repeal is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the repeal affects no other code, article, or statute.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Bobby Wilkinson
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Texas Department of Housing and Community Affairs
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For further information, please call: (512) 475-3959

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10 TAC §2.401

The Texas Department of Housing and Community Affairs (the Department) adopts, with changes to the text previously published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3483), new 10 TAC Chapter 2, Subchapter D, Debarment from Participation in Programs Administered by the Department, §2.401 General. The rule will be republished. The purpose is to eliminate the outdated rule and replace it simultaneously with a new rule that incorporates changes to the HOME Final Rule published by the United States Department of Housing and Urban Development (HUD), changes pursuant to Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and minor rule clarifications.

Tex. Gov't Code §2001.0045(b) does not apply because there are no additional costs associated with this action. Sufficient existing state and/or federal administrative funds associated with the applicable programs are available to offset costs. No additional funds will be needed to implement this rule.

The Department has analyzed this rulemaking, and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the new sections would be in effect:

1. The rule does not create or eliminate a government program but relates to changes to an existing activity: the enforcement of the Department's program rules.

2. The rule does not require a change in work that creates new employee positions.

3. The new section will not require additional future legislative appropriations.

4. The new section will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.

5. The new section is not creating a new regulation.

6. The new section does expand on an existing regulation.

7. The new section does not increase the number of individuals subject to the rule's applicability.

8. The new section will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the new section and determined that it will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new section does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the new section as to its possible effects on local economies and has determined that for the first five years the new section would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the new section is in effect, the public benefit anticipated as a result of the new section would be improvement in the Department's enforcement abilities. There will not be economic costs to individuals required to comply with the new section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the new section is in effect, enforcing or administering the sections may have some costs to the state to implement the verification process and to the Department's subrecipients in administering the rule changes. However, sufficient state or federal administrative funds associated with the applicable programs are already available to offset costs. No additional funds will be required.

SUMMARY OF PUBLIC COMMENT. The public comment period was held May 22, 2026, to June 22, 2026, to receive input on the proposed replacement section. Six comments were received from Disability Rights Texas, Texas Housers, Texas Affiliation of Affordable Housing Providers (TAAHP), Coalition of Texans with Disabilities, Texas Council for Developmental Disabilities, and Tracy Andrus; comments are summarized below.

General Comment:

Comment Summary: Most of Commenter 1's submitted comments are general in nature and already addressed in the existing rules, and are therefore outside of the scope of the current rule amendment. For example, Commenter 1 states that due process protections should be strengthened to require written notice of all allegations, disclosure of evidence, meaningful cure opportunities, neutral administrative review, and the right to confront and respond to allegations before penalties are imposed. Commenter 1 also states that TDHCA should be required to consider the organization's good faith efforts, corrective actions taken, prior compliance history, reliance upon TDHCA approvals, and the public harm caused by disrupting services.

Staff Response: Staff agrees that due process protections are important, however, Commenter 1's suggestions are unproductive. The enforcement rules at 10 TAC §2.103 and 10 TAC §2.301 already provide for written notice and an opportunity to cure events of noncompliance that are susceptible to being corrected. Similarly, an opportunity for a neutral administrative review is already provided via an informal conference with the Department's Enforcement Committee per 10 TAC §2.302 and 10 TAC §2.401, the members of which are appointed by the TDHCA executive director, and drawn from throughout the Department. Members from the referring division are often present during an informal conference, but must leave before deliberations to ensure impartiality, in accordance with 10 TAC §2.102(5). Likewise, the factors that he suggests considering are already considered by the Enforcement Committee per Tex. Gov't Code 2306.042, 10 TAC §2.302(h)(4), and 10 TAC §2.401(j). No changes are recommended to the rule.

General Comment:

Comment Summary: Commenter 1 urges safeguards to ensure TDHCA's compliance with fair housing laws, protection against discrimination, protection of sensitive information, and clear uniform procedures statewide.

Staff Response: Department rules already address the concerns listed above. The current amendment under consideration is to effectuate changes required by federal guidance. No changes are recommended to the rule.

10 TAC §2.401(f)(5): Debarment for Repeated Noncompliance with Accessibility and Reasonable Accommodations:

Comment Summary: Commenters 2, 3, 5, and 6 support changes relating to noncompliance with accessibility and reasonable accommodations. However, Commenter 2 recommends further changes, arguing that landlords often respond within 14 days, but then stop responding, and that landlords can avoid consequences if the interactive process is initiated within 14 days. Commenter 2 recommends requiring actively engaging in an interactive process with the tenant within seven days, and requiring an accommodation to be granted or denied within fourteen days of receipt of information necessary to make a determination.

Staff Response: Staff appreciates the support. Engaging in the interactive process within 14 calendar days is reasonable as written. Staff recommends adding the word "actively" to the rule to address concerns regarding potential unresponsiveness. No further revisions are recommended.

10 TAC §2.401: General (Debarment), regarding PRWORA:

Comment Summary: Commenter 3 opposes PRWORA-related rulemaking and proposes delaying implementation until further expected HUD and DHS guidance is published, highlighting that Texas is the only state to update its rules ahead of that additional guidance, potentially exposing residents, providers, and TDHCA to unnecessary risk and harm. It is too early to begin enforcing new PRWORA policies since the rules are untested, and aggressive property owners seeking to comply could cause program-eligible tenants to lose their housing. At minimum, Commenter 3 suggests that PRWORA-related noncompliance be moved to the optional debarment category.

Staff Response: The Department has already completed rulemaking in 10 TAC §10.625 that sets a compliance date of August 1, 2026. Staff recognizes commenter's concerns regarding a potential automatic debarment referral; however, referral would only occur if an Owner refuses to sign a required PRWORA Agreement or Contract Amendment, or if an Owner repeatedly fails to comply with PRWORA provisions. No changes are recommended to the rule, but staff anticipates that further rule changes may be required in the future.

10 TAC §2.401: General (Debarment), regarding PRWORA:

Comment Summary: Commenter 4 recommends editing 10 TAC §2.401(f)(6) to clarify that the trigger applies only after any applicable corrective action period, and should not be based on pending, delayed, or inconclusive verification results outside the Owner's control.

Staff Response: Staff accepts changes relating to the recommended corrective action period and has added this clarification. The other recommended change is reasonable for pre-existing households that are required to provide PRWORA documentation at renewal, but it is not reasonable to extend an exception to new applicants. A limited change is recommended for owners who follow the requirements of 10 TAC §10.802(l) relating to lease renewals for existing households with original occupancy dates prior to August 1, 2026.

10 TAC §2.302: Administrative Penalty Process, regarding SAVE System

Comment Summary: Commenter 4 suggests limiting potential debarment for failure to sign an agreement to access the SAVE system if an agreement is required under 10 TAC §10.628(f)(2)(A) or (C), stating that 10 TAC §10.628 allows different verification pathways, and an Owner using other allowed pathways should not face debarment exposure for a SAVE System Agreement requirement that does not apply to that Owner.

Staff Response: The penalty table already states, "as described in 10 TAC §10.628", and the Department would not seek to enforce an agreement that does not apply to an Owner under that rule. No changes are necessary.

STATUTORY AUTHORITY. The new section is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules. Except as described herein, the new section affects no other code, article, or statute.

The rule, as adopted, has been reviewed by legal counsel and found to be a valid exercise of the Department's legal authority.

§2.401. General.

(a) The Department may debar a Responsible Party, a Consultant, and/or a Vendor who has exhibited past failure to comply with any condition imposed by the Department in the administration of its programs. Any of the following discretionary debarment criteria must be past the provided corrective action deadline, if applicable. A Responsible Party, Consultant or Vendor may be referred to the Committee for Debarment for any of the following:

(1) Refusing to provide an acceptable plan to implement and adhere to procedures to ensure compliant operation of the program after being placed on Modified Cost Reimbursement;

(2) Refusing to repay disallowed costs;

(3) Refusing to enter into a plan to repay disallowed costs or egregious violations of an agreed repayment plan;

(4) Meeting any of the ineligibility criteria referenced in §11.202 of this title (relating to Ineligible Applicants and Applications) or other ineligibility criteria outlined in a Program Rule, with the exception of: ineligibility related to conflicts of interest disclosed to the Department for review, and ineligibility identified in a previous participation review in conjunction with an application for funds or resources (unless otherwise eligible for Debarment under this Subchapter D);

(5) Providing fraudulent information, knowingly falsified documentation, or other intentional or negligent material misrepresentation or omission with regard to any documentation, certification or other representation made to the Department;

(6) Failing to correct Events of Noncompliance as required by an order that became effective after April 1, 2021, and/or failing to pay an administrative penalty as required by such order, within six months of a demand being issued by the Department. In this circumstance, if the Debarment process is initiated but the Responsible Party, Consultant, and/or Vendor fully corrects the findings of noncompliance to the satisfaction of the referring division and pays the administrative penalty as required by the order before the Debarment is finalized by the Board, the Debarment recommendation may be cancelled or withdrawn by Committee recommendation and Executive Director concurrence. This type of referral would be initiated by the Secretary;

(7) Controlling a multifamily Development that was foreclosed after April 1, 2021, where the foreclosure or deed in lieu of foreclosure terminates a TDHCA LURA. After January 1, 2026, this also applies if a TDHCA LURA is terminated because of bankruptcy;

(8) Controlling a multifamily Development where there is no operable elevator in an elevator-serviced building after January 1, 2026, unless the Owner can provide evidence that necessary repairs were under contract and scheduled for repair with a licensed repair company within the corrective action period;

(9) Controlling a multifamily Development and allowing a change in ownership after April 1, 2021, without Department approval;

(10) Transferring a Development, after April 1, 2021, without regard for a Right of First Refusal requirement;

(11) Being involuntary removed, or replaced due to a default by the General Partner under the Limited Partnership Agreement, after April 1, 2021;

(12) Controlling a multifamily Development and failing to correct Events of Noncompliance before the expiration of a Land Use Restriction Agreement after February 4, 2026;

(13) Refusing to comply with award conditions approved by the Board that were recommended by the Executive Award Review Advisory Committee or Executive Director after April 1, 2021;

(14) Having any Event of Noncompliance that occurs after April 1, 2021, that causes the Department to be required to repay federal funds to any federal agency including, but not limited to the U.S. Department of Housing and Urban Development; and/or

(15) Submitting a written certification that non-compliance has been corrected when it is determined that the Event of Noncompliance was not corrected. For certain Events of Noncompliance, in lieu of documentation, the Compliance Division accepts a written certification that noncompliance has been corrected. If it is determined that the Event of Noncompliance was not corrected, a Person who signed the certification may be recommended for debarment;

(16) Refusing to provide an amenity required by the LURA after April 1, 2021;

(17) Failing to reserve units for Section 811 PRA participants after April 1, 2021;

(18) Failing to notify the Department of the availability of 811 PRA units after April 1, 2021;

(19) Taking "choice limiting" actions prior to receiving HUD environmental clearance (24 CFR §58.22);

(20) Substandard construction, as defined by the Program, and repeated failure to conduct required inspections;

(21) Repeated failure to provide eligible match. 24 CFR §92.220, 24 CFR §576.201, and as required by NOFA;

(22) Repeated failure to report program income. As applicable, 24 CFR §200.80, 24 CFR §570.500, 24 CFR §576.407(c), 24 CFR §92.503 24 CFR §93.304, and §20.9 of this title (relating to Inspection Requirements for Construction Activities), or as defined by Program Rule;

(23) Participating in activities leading to or giving the appearance of "Conflict of Interest". As applicable, in 2 CFR Part 215, 2 CFR Part 200. 24 CFR §§93.353, §92.356, §570.489, §576.404, §20.9 of this title, or as defined by Program Rule;

(24) Repeated material financial system deficiencies. As applicable, 2 CFR Part 200, 24 CFR §§, 92.205, 92.206, 92.350, 92.505, and 92.508, 2 CFR Part 215, 2 CFR Part 225 (if applicable), 2 CFR Part 230, §20.9 of this title, Uniform Grant Management Standards, and Texas Grant Management Standards, and as defined by Program Rule;

(25) Repeated violations of Single Audit or other programmatic audit requirements;

(26) Failure to remain and operate as a CHDO, as outlined in the Contract or LURA;

(27) Commingling of funds, Misapplication of funds;

(28) Refusing to submit a required Audit Certification Form, Single Audit, or other programmatic audit;

(29) Refusing to timely respond to reports/provide required correspondence;

(30) Failure to timely expend funds; and

(31) A Monitoring Event determines that 50% or more of the client or household files reviewed do not contain required documentation to support income eligibility or indicate that the client or household is not income eligible.

(b) The Department shall debar any Responsible Party, Consultant, and/or Vendor who is debarred from participation in any program administered by the United States Government.

(c) Debarment for violations of the Department's Multifamily Programs. The Department shall debar any Responsible Party, Consultant, and/or Vendor who has materially or repeatedly violated any condition imposed by the Department in connection with the administration of a Department program, including but not limited to a material or repeated violation of a land use restriction agreement (LURA) or Contract. Subsection (d) of this section provides the criteria the Department will use to determine if there has been a material violation of a LURA. Subsections (e)(1) and (e)(2) of this section provide the criteria the Department shall use to determine if there have been repeated violations of a LURA. Any of the following mandatory debarment criteria must be past the corrective action deadline, if applicable.

(d) Material violations of a LURA. A Responsible Party, Consultant, and/or Vendor will be considered to have materially violated a LURA, Program Agreement, or condition imposed by the Department and shall be referred to the committee for mandatory Debarment if they:

(1) Control a Development that has, on more than one occasion scored 50 or less on a UPCS inspection or has, on more than one occasion scored 50 or less on a NSPIRE inspection, or any combination thereof. The Compliance Division or Enforcement Committee may temporarily decrease this NSPIRE score referral threshold for a Development, with approval by the Executive Director, for a period of time not longer than one year, so long as the referral score threshold is applied evenly to all Developments with similar types of violations;

(2) Refuse to allow a monitoring visit when proper notice was provided or failed to notify residents, resulting in inspection cancellation, or otherwise fails to make units and records available;

(3) Refuse to reduce rents to less than the highest allowed under the LURA;

(4) Refuse to correct a UPCS, NSPIRE, or final construction inspection deficiency after February 4, 2026;

(5) Fail to meet minimum set aside by the end of the first year of the credit period (HTC Developments only) after April 1, 2021; or

(6) Excluding an individual or family from admission to the Development solely because the household participates in the HOME Tenant Based Rental Assistance Program, the housing choice voucher program under Section 8, United States Housing Act of 1937 (42 U.S.C. §1-437), or other federal, state, or local government rental assistance program after April 1, 2021.

(e) Repeated Violations of a LURA that shall be referred to the Committee for Debarment.

(1) A Responsible Party, Consultant, and/or Vendor shall be referred to the Committee for mandatory Debarment if they Control a Development that, during two Monitoring Events in a row is found to be out of compliance with the following Events of Noncompliance:

(A) No evidence of, or failure to certify to, material participation of a non-profit or HUB, if required by the Land Use Restriction Agreement;

(B) Any Uniform Physical Condition Standards Violations that result in a score of 70 or below in sequential UPCS inspections after April 1, 2021 or NSPIRE violations that result in a score of 50 or below in sequential inspections after February 4, 2026, or any combination thereof. The Compliance Division or Enforcement Committee may temporally decrease this NSPIRE score referral threshold with approval by the Executive Director, for a period not to exceed one year, so long as the referral score threshold is applied evenly to all Developments with similar types of violations;

(C) Refuse to submit all or parts of the Annual Owner's Compliance Report for two consecutive years after April 1, 2021; or

(D) Gross rents exceed the highest rent allowed under the LURA or other deed restriction.

(2) Repeated violations in a portfolio. Responsible Party who control five or more Actively Monitored Developments will be considered for Debarment based on repeated violations in a portfolio. A Person shall be referred to be committee if an inspection or referral, after April 1, 2021, indicates the following:

(A) 50% or more of the Actively Monitored Developments in the portfolio that are Controlled by the Responsible Party, whether acting alone or in concert with others, have been referred to the Enforcement Committee within the last three years. The Enforcement Committee may increase this threshold at its discretion. For example, if three properties in a five-property portfolio are monitored in the same month, and then referred to the Enforcement Committee at the same time, it may be appropriate to increase the 50% threshold; or,

(B) 50% or more of the Actively Monitored Developments in the portfolio score a 70 or less during a Uniform Physical Conditions Standards inspection or score 50 or less during a NSPIRE inspection, or any combination thereof. The Compliance Division may decrease this NSPIRE score threshold with approval by the Executive Director, for a period not to exceed one year, so long as the score threshold is applied evenly to all properties.

(f) Debarment for violations of Department Programs, with the exception of the Non-Discretionary funds in the Community Services Block Grant program. Material or repeated violations of conditions imposed in connection with the administration of Programs administered by the Department. Administrators, Subrecipients, Responsible Parties, contractors, Owners, and related parties shall be referred to the Committee for consideration for Debarment for violations including but not limited to:

(1) 50% or more loan defaults in the first 12 months of the loan agreement after April 1, 2021;

(2) The following Davis Bacon Act Violations:

(A) Refusing to pay restitution (underpayment of wages). 29 CFR §5.31.

(B) Refusing to pay liquidated damages (overtime violations). 29 CFR §5.8.

(C) Repeated failure to pay full prevailing wage, including fringe benefits, for all hours worked. 29 CFR §5.31.

(3) The following violations of the Uniform Relocation Act and requirements of §104(d):

(A) Repeated failure to provide the General Information Notice to tenants prior to application. 49 CFR §24.203, 24 CFR §92.353, 24 CFR §93.352 and HUD Handbook 1378.

(B) Repeated failure to provide all required information in the General Information Notice. 49 CFR §24.203, 24 CFR §570.606, 24 CFR §92.353, 24 CFR §93.352, or HUD Handbook 1378.

(C) Repeated failure to provide the Notice of Eligibility and/or Notice of Non-displacement on or before the Initiation of Negotiations date. 49 CFR §24.203, 24 CFR §92.353, 24 CFR §93.352, or 24 CFR §570.606.

(D) Repeated failure to provide all required information in the Notice of Eligibility and/or Notice of Non-displacement. 49 CFR §24.203, 24 CFR §92.353, 24 CFR §93.352, or 24 CFR §570.606.

(E) Repeated failure to provide 90 Day Notices to all "displaced" tenants and/or repeated failure to provide 30 Day Notices to all "non-displaced" tenants. 49 CFR §24.203, 24 CFR §92.353, 24 CFR §93.352, or 24 CFR §570.606.

(F) Repeated failure to perform and document "decent, safe and sanitary" inspections of replacement housing. 49 CFR §24.203, 24 CFR §92.353, 24 CFR §93.352, or 24 CFR §570.606.

(G) Refusing to properly provide Uniform Relocation Act or §104(d) assistance. 49 CFR §24.203, 24 CFR §92.353, 24 CFR §570.606 and §104(d) of the Housing & Community Development Act of 1974 - 24 CFR Part 42.

(4) Failure to correct Build America Buy America violations after the corrective action period.

(5) Repeated noncompliance with the provisions of Chapter 1, Subchapter B, of this title concerning Accessibility and Reasonable Accommodations, including but not limited to the failure to grant, deny, or actively engage in the interactive process concerning reasonable accommodations within a reasonable time period, not to exceed fourteen (14) calendar days.

(6) Failure to sign any PRWORA Agreement or Contract Amendment (as applicable), or repeated noncompliance with the PRWORA provisions as reflected in this title or as reflected in a PRWORA Agreement or Contract Amendment after the corrective action period (if applicable), except when the Owner has followed the procedures under §10.802(l)(1) of this title (relating to Written Policies and Procedures) relating to verification at renewal for an existing person signing a lease with an original occupancy date prior to August 1, 2026.

(7) Refusing to reimburse excess cash on hand.

(8) Using Department funds to demolish a homeowner's dwelling and then refusing to rebuild.

(9) Drawing down Department funds for an eligible use and then refusing to pay a properly submitted request for payment to a subgrantee or vendor with the drawn down funds.

(g) The referring division shall provide the Responsible Party, Consultant, and/or Vendor with written notice of the referral to the Committee, setting forth the facts and circumstances that justify the referral for Debarment consideration. That notice shall require the Responsible Party to provide a current organizational chart showing ownership to the level of natural persons who are in Control of the Development, and must indicate which entities and natural persons have the ability to Control the Development.

(h) The Secretary shall then offer the Responsible Party, Consultant, and/or Vendor the opportunity to attend an Informal Conference with the Committee to discuss resolution of the matter. In the event that the Debarment referral was the result of a violated agreed order or a determination that 50% or more of the Actively Monitored Developments in their portfolio have been referred to the Enforcement Committee, the above written notice of the referral to the Committee and the informal conference notice shall be combined into a single notice issued by the Secretary.

(i) A Debarment Informal Conference may result in the following, which shall be reported to the Executive Director:

(1) A determination that the Department did not have sufficient information and/or that the Responsible Party, Consultant, and/or Vendor does not meet any of the criteria for Debarment;

(2) An agreed Debarment, with a proposed agreed order to be prepared and presented to the Board for approval;

(3) A recommendation by the Committee to the Executive Director for Debarment;

(4) A request for further information, to be considered during a future meeting; or,

(5) If Debarment is not mandatory, one of the following results, which will then be reported to the Executive Director:

(A) An agreement to dismiss the matter with no further action;

(B) A recommendation for a voluntary non-participation agreement, with an alternative recommendation for Debarment to the Executive Director, with said Debarment recommendation to be made only in the event that the Responsible Party, Consultant, and/or Vendor refuses to enter into a voluntary non-participation agreement;

(C) An agreement to dismiss the matter with corrective action being taken; or

(D) Any other action as the Committee deems appropriate.

(j) The Committee's recommendation to the Executive Director regarding a voluntary non-participation agreement shall include a recommended period during which the Responsible Party, Consultant, and/or Vendor will not participate in any new Department financing, assistance opportunity, or programs in any manner. Recommended periods of non-participation will be based on material factors such as repeated occurrences, seriousness of underlying issues, presence or absence of corrective action taken or planned, including corrective action to install new responsible persons and ensure they are qualified and properly trained. If the Department determines that this type of agreement is appropriate and the Responsible Party, Consultant, and/or Vendor agrees to the terms proposed by the Department, the Enforcement Committee will not recommend Debarment. This agreement will be placed on the Department website for the duration of its term. The Department will provide a quarterly report to the Board regarding any voluntary non-participation agreements that have been entered into during the previous quarter. The terms of a voluntary non-participation agreement are not appealable to the Board.

(k) The Committee's recommendation to the Executive Director regarding Debarment shall include a recommended period of Debarment. Recommended periods of Debarment will be based on material factors such as repeated occurrences, seriousness of underlying issues, presence or absence of corrective action taken or planned, including corrective action to install new responsible persons and ensure they are qualified and properly trained. Recommended periods of Debarment if based upon HUD Debarment, shall be for the period of the remaining HUD Debarment; or, if based upon criminal conviction, shall be up to ten (10) years or until fulfillment of all conditions of incarceration and/or probation, whichever is greater.

(l) The Executive Director shall accept, reject, or modify the Debarment recommendation by the Committee and shall provide written notice to the Responsible Party, Consultant, and/or Vendor of the determination, and an explanation of the determination if different than the Committee's recommendation, including the period of Debarment, if any. The Responsible Party, Consultant, and/or Vendor may appeal the Debarment determination in writing to the Board as described in §1.7 of this title (relating to Appeals Process).

(m) The Debarment recommendation will be brought to the next Board meeting for which the matter can be properly posted. The Board reserves discretion to impose longer or shorter Debarment periods than those recommended by staff based on its finding that such longer or shorter periods are appropriate when considering all factors and/or for the purposes of equity or other good cause. An action on a proposed Debarment of an Eligible Entity under the CSBG Act will not become final until and unless proceedings to terminate Eligible Entity status have occurred, resulting in such termination and all rights of appeal or review have run or Eligible Entity status has been voluntarily relinquished.

(n) Until the Responsible Party, Consultant, and/or Vendor's Debarment referral is fully resolved, the Responsible Party, Consultant, and/or Vendor may not participate in new Department financing and assistance opportunities.

(o) Any person who has been debarred is prohibited from participation as set forth in the final order of Debarment for the term of their Debarment. Unless specifically stated in the order of Debarment, Debarment does not relieve a Responsible Party, Consultant, and/or Vendor from its current obligations, or prohibit it from continuing its participation in any existing engagements funded through the Department, nor limit its responsibilities and duties thereunder. The Board will not consider modifying the terms of the Debarment after the issuance of a final order of Debarment.

(p) If an Eligible Entity under the CSBG Act meets any of the criteria for Debarment in this rule, the Department may recommend the Eligible Entity for Debarment. However, that referral or recommendation shall not proceed until the termination of the Eligible Entity's status under the CSBG Act has concluded, and no right of appeal or review remains.

(q) All correspondence under this rule shall be delivered electronically.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 9, 2026.

TRD-202602820

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Effective date: July 29, 2026

Proposal publication date: May 22, 2026

For further information, please call: (512) 475-3959

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CHAPTER 10. UNIFORM MULTIFAMILY RULES

SUBCHAPTER F. COMPLIANCE MONITORING

10 TAC §10.625

The Texas Department of Housing and Community Affairs (the Department) adopts amendments to 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F Compliance Monitoring, §10.625 Events of Noncompliance, with changes to the text previously published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3487). The rule will be republished. The purpose of the amendment is to update the list of Events of Noncompliance to align with updated rule sections §10.612 Tenant File Requirements and new §10.628 Verification of Occupant Legal Status for HOME, HOME ARP and NHTF Developments adopted by the Department's Board on April 9, 2026.

FISCAL NOTE. Mr. Bobby Wilkinson, Executive Director, has determined that, for each year of the first five years the amendment to the rule is in effect, enforcing or administering the amendment does not have any foreseeable implications related to costs or revenues of the state or local governments.

The Department has analyzed this rulemaking, and the analysis is described below for each category of analysis performed.

GOVERNMENT GROWTH IMPACT STATEMENT. Mr. Wilkinson also has determined that, for the first five years the amendment would be in effect:

1. The amendment to the rule will not create or eliminate a government program but merely adds several additional categories of events of noncompliance for certain of the Department's multifamily properties;

2. The amendment to the rule will not require a change in the number of employees of the Department;

3. The amendment to the rule will not require additional future legislative appropriations;

4. The amendment to the rule will result in neither an increase nor a decrease in fees paid to the Department;

5. The amendment to the rule will not create a new regulation but does add several new events of noncompliance consistent with other regulatory changes made in sections §10.612 Tenant File Requirements and new §10.628 Verification of Occupant Legal Status for HOME, HOME ARP and NHTF Developments;

6. The amendment to the rule will not repeal an existing regulation;

7. The amendment to the rule will not increase or decrease the number of individuals subject to the rule's applicability; and

8. The amendment to the rule will neither positively nor negatively affect this state's economy.

PUBLIC BENEFIT/COST NOTE. Mr. Wilkinson also has determined that, for each year of the first five years the amendment to the rule is in effect, the public benefit anticipated as a result of the action will be consistency between §10.612 Tenant File Requirements and §10.628 Verification of Occupant Legal Status for HOME, HOME ARP and NHTF Developments and the list of Events of Noncompliance. There will not be any economic cost to any individual required to comply with the amendment.

ADVERSE IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES. The Department has determined that there will be no economic effect on small or micro-businesses or rural communities.

SUMMARY OF PUBLIC COMMENT. The Department requested public comment on the amendment from May 22, 2026 to June 22, 2026, to receive input on the proposed action. Public comment was received from two respondents and is summarized below. Commenters: Texas Housers (1) and Texas Affiliation of Affordable Housing Providers (TAAHP) (2).

General Comments:

Commenter 1 believes that rulemaking to implement PRWORA requirements across TDHCA programs is premature. They reference July 2025 HHS and November 2025 HUD PRWORA Notices, that indicate that further guidance is necessary to fully implement new legal status verification requirements, and that indicate future expected guidance. Commenter 1 asks that TD-

HCA delay the adoption of PRWORA-related rulemaking until expected HUD and DHS guidance is published.

Commenter 1 also references the National Housing Law Project's brief on immigration requirements in housing programs that suggests that "If a benefits granting agency engages in the improper application of PRWORA's verification requirements, they could be subject to discrimination claims under federal civil rights laws as well as any applicable state or local laws." Commenter 1 notes that Texas is so far the only state to update rules ahead of additional guidance and feels that by moving too quickly ahead of forthcoming federal guidance, the agency exposes residents, providers, and the agency itself to unnecessary risk and harm.

Lastly Commenter 1 urges TDHCA to exercise extreme caution in implementing punitive enforcement policies for legal status verification requirements, given that they are so new and untested; it is too early to begin enforcement of these policies that must be handled with care to avoid harm to low-income tenants. The threat of steep penalties or automatic consideration for debarment so soon after new rules go into effect could push properties to rush implementation, ultimately hurting low-income tenants. Property owners, wishing to avoid a finding of noncompliance, may rush or take an overly aggressive approach to implementation which could result in devastating losses to program-eligible tenants who could lose their housing as a result. Commenter 1 opposes the addition of four new PRWORA-related noncompliance events at this time and proposes delaying events of noncompliance updates until TDHCA rulemaking setting the base requirements for PRWORA compliance are finalized and further federal guidance is available.

Commenter 2 understands that the Department must establish compliance monitoring events related to PRWORA requirements and gives comments to ensure that the new events are clear, proportional and tied to matters within an Owner's control.

Staff Response: Staff does not recommend withdrawing the rule, as the federal guidance to date has provided sufficient guidance for the Department to proceed with this rule. Should additional federal guidance be issued, the Department will respond compliantly.

Nonrenewal:

Commenter 2 recommends that a nonrenewal issued under this section not create a separate Event of Noncompliance for termination or nonrenewal without good cause.

Staff Response: Staff has clarified the requirement.

Pending, delayed or inconclusive results:

Commenter 2 requests that clarification be added that An Owner not receive a finding for failure to obtain supporting documentation when verification results are pending, delayed, or inconclusive for reasons outside the Owner's control, provided the Owner is timely pursuing verification.

Staff Response: Staff concurs when results are pending or delayed that further information on what were the Owner's responsibilities were needed and has added clarifying language to 10 TAC §10.802. However, inconclusive results that are no longer pending further determination should still be included as documentation in the tenant file that a household member was not able to have qualified status confirmed.

Unit of Violation:

A violation should be assessed per lease, not per signer. Without this clarification, one household file issue could be multiplied by the number of lease signers.

Staff Response: Staff concurs in adding this clarification.

Attestation documentation:

The attestation is either executed or not executed. If the Owner requested the attestation, provided the opportunity required under §10.802(l), and documented the household's failure or refusal to execute it, the Owner should not be treated as having simply failed to obtain the attestation.

Staff Response: A household's failure to execute the attestation would result in the household being denied tenancy. Files must have the attestation, therefore, an Owner must ensure it is included.

SAVE System Agreement applicability.

SAVE-related findings should apply only where the Owner is required to execute or comply with the agreement under the applicable verification pathway.

Staff Response: Staff concurs with adding this clarification.

STATUTORY AUTHORITY. The adoption of the amendment is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the amendment affects no other code, article, or statute.

§10.625. Events of Noncompliance.

Figure: 10 TAC §10.625 lists events for which a multifamily rental Development may be found to be in noncompliance for compliance monitoring purposes. This list is not an exclusive list of events and issues for which an Owner may be subject to an administrative penalty, debarment or other enforcement action. The first column of the chart identifies the noncompliance event. The second column indicates to which program(s) the noncompliance event applies. The last column indicates whether the issue is reportable on IRS Form 8823 for HTC Developments.
Figure: 10 TAC §10.625

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 9, 2026.

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Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Effective date: July 29, 2026
Proposal publication date: May 22, 2026
For further information, please call: (512) 475-3959

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SUBCHAPTER G. AFFIRMATIVE MARKETING REQUIREMENTS AND WRITTEN POLICIES AND PROCEDURE

10 TAC §10.802

The Texas Department of Housing and Community Affairs (the Department) adopts the amendment of 10 TAC Chapter 10, Subchapter G, §10.802 Written Policies and Procedures, with changes to the proposed text as previously published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3488). The rule will be republished. The purpose of the amendment is to add additional requirements to be included in a property's Written Policies and Procedures that are now required because of recent rule changes at 10 TAC Chapter 10, Subchapter F Compliance Monitoring, §10.612 Tenant File Requirements and new §10.628 Verification of Occupant Legal Status for HOME, HOME ARP and NHTF Developments. Those sections incorporated the requirements of Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and the U.S. Department of Housing and Urban Development (HUD) in its 2025 federal Grant Agreements into the Department's Compliance rules for certain multifamily properties. Additions to the Written Policies and Procedures now address notification to tenants or applicants; handling of verification delays that may arise from disputes or appeals or while awaiting determinations from the Department on inconclusive results from SAVE; an appeal process; and how Owners may proceed to the next applicant during delays.

The rule amendments also make other changes not related to the PRWORA implementation that include: 1) clarifying the required response periods for certain Developments that are required by a LURA to have an appeal process or a Fair Lease and Grievance Procedure, 2) makes other clarifying edits to more clearly describe Department practices, 3) addresses the means by which a property owner can effectuate a tenant leasing preference or limitation to make this process less onerous, and 4) adds ERA to the list of Programs that may have a VAWA preference without a Contract amendment.

Tex. Gov't Code §2001.0045(b) does not apply to the amendment because it is subject to the exception under §2001.0045(c)(4) which excepts amendments that are necessary to receive a source of federal funds or to comply with federal law. No additional funds will be needed to implement this rule.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221. Mr. Bobby Wilkinson has determined that, for the first five years the amended rule would be in effect:

1. The amendment does not create or eliminate a government program but relates to changes to an existing activity: the policies and procedures that must be kept as it relates to the implementation and applicability of Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) in the Department's HOME, HOME-ARP and NHTF properties.

2. The amendment does not require a change in work that creates new employee positions nor does it create savings that would allow for a reduction in employee positions.

3. The amended rule will not require additional future legislative appropriations.

4. The amended rule will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.

5. The amended rule does not create a new regulation.

6. The amended rule does expand an existing regulation to provide additional requirements, however the expanded regulations are required to comply with federal law.

7. The amended rule does not increase the number of individuals subject to the rule's applicability.

8. The amended rule will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the amendment and based on prior comment received regarding implementation of PRWORA, it is possible the amendment will create an economic effect on small or micro-businesses or rural communities. The added processes to the Written Policies and Procedures may require additional work for small operators or rural properties because they tend to more frequently utilize the programs that are applicable. Small operators and rural properties often have limited onsite capacity, increasing the proportional burden and the risk of findings. When verifications escalate to nonrenewal and a household will not vacate, properties can incur foreseeable enforcement costs for court and attorney fees, staff time and the costs of turning over a unit.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The amended rule does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the amended rule as to its possible effects on local economies and has determined that for the first five years the amended rule would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the amended rule is in effect, the public benefit anticipated as a result of the amended rule would be a rule compliant with the federal regulations relating to PRWORA with clear guidance for properties on how they must handle specific issues that may arise. There will not be economic costs to individuals required to comply with the amended rule.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the amended rule is in effect, enforcing or administering the amended rule will have no economic costs other than those noted above.

SUMMARY OF PUBLIC COMMENT. The Department requested public comment on the rule during a public comment period held from May 22, 2026 to June 22, 2026. Public comment was received from three commenters as summarized, and responded to, below. Commenters: Texas Housers (1), Texas Affiliation of Affordable Housing Providers (TAAHP) (2) and Foundation Communities (3).

General Comment: Commenter 1 believes that rulemaking to implement PRWORA requirements across TDHCA programs is premature. They reference a July 2025 HHS and November

2025 HUD PRWORA Notice, that indicate that further guidance is necessary to fully implement new legal status verification requirements, and that indicate future expected guidance. Commenter 1 asks that TDHCA delay the adoption of PRWORA-related rulemaking until expected HUD and DHS guidance is published.

Commenter 1 also references the National Housing Law Project's brief on immigration requirements in housing programs that suggests that "If a benefits granting agency engages in the improper application of PRWORA's verification requirements, they could be subject to discrimination claims under federal civil rights laws as well as any applicable state or local laws." Commenter 1 notes that Texas is so far the only state to update rules ahead of additional guidance and feels that by moving too quickly ahead of forthcoming federal guidance, the agency exposes residents, providers, and the agency itself to unnecessary risk and harm.

Commenter 1 supports the addition of specific timelines and appreciates that the proposed rules provide tenants with reasonable opportunities to address issues that might arise during the verification process.

Staff Response: Staff does not recommend withdrawing the rule, as the federal guidance to date has provided sufficient guidance for the Department to proceed with this rule. Should additional federal guidance be issued, the Department will respond compliantly.

§10.802(a) Applicability

Commenter 2 recommends that much like revisions that were made under separate rule that limited affirmative marketing to only properties that receive federal funding, this rule should also be so limited.

Staff Response: Staff does not concur. In addition to fulfilling requirements of federal funding, this rule is used to implement the requirements of state law, including but not limited to Sections 2306.066, 2306.269 and 2306.185(d) of the Texas Government Code, and provides further clarification about how the Department will monitor federal requirements that apply to most Developments, such as Section 504 of the Rehabilitation Act and the Violence Against Women Act of 2022. No change is made to the rule.

§10.802(b)(2)(B)

Comment: Commenter 3 requests revisions to this section of the rule that currently requires that an Owner with a preference to serve a special needs population have that preference documented in the LURA or written agreement. They feel this a regulatory burden, overreaches and does not support Owners that are serving special needs populations. They note that federal guidance says only that a written agreement is needed, and that state code does not require the LURA preference either. They suggested specific language to address this. On this issue they note that there is no precedent for a LURA requirement; that no other state has this rule; that because preferences may change that should not be part of the long-term obligations of a property present in a LURA; and that amending a LURA is expensive and time-consuming. When pursuing a LURA amendment for a preference the process took a year.

Commenter 3 also notes that they find clause (ii) confusing and believe that it is saying that an Owner cannot have a voluntary preference, but can only have preferences required by an external program. They recommend removing this language because it is limiting. They provide the example that at their properties they may have a preference for homeless households with children that is not required by another funder, but rather is their mission.

Staff Response: While unable to make the specific revisions requested, staff is adding qualifying language that should at least partially address this issue. Almost all federal and state funded Developments from the Department are covered by the HOME regulations in whole or in part, whether because of HOME, HOME ARP, or NSP funding provided to the Development Owner or because the Development is required to have HOME Match Units. 24 CFR §92.252(c) states that a Development Owner must adopt and follow tenant selection criteria that "Limit eligibility or give a preference to a particular segment of the population if permitted in its written agreement with the participating jurisdiction (and only if the limitation or preference is described in the participating jurisdiction's consolidated plan)."

Currently, the Department uses the Contract as the primary mechanism that fulfills all the requirements of a written agreement outlined in 24 CFR §92.504(c)(3), but prior to 2015 the Department used the LURA for this purpose. Currently, the HUD approved consolidated plan for 2025-2029 states that Owners may request to have preference for "persons with disabilities, persons with substance use disorders, persons living with HIV/AIDS (PLWH), persons with Violence Against Woman Act (VAWA) protections, colonia residents, farmworkers, homeless populations, veterans, (including wounded warriors as defined by the Caring for Wounded Warriors Act of 2008), public housing residents, persons transitioning out of incarceration, persons impacted by a state or federally declared disaster, and persons transitioning out of foster care and nursing facilities."

The Consolidated Plan goes on to say that TDHCA "may allow a preference or limitation that is not described . . . to encourage leveraging of federal or state funding, provided that another federal or state funding source for the rental housing requires a limitation or preference." Thus, for Developments covered by 24 CFR §92.252, a preference not listed would not be allowed, without a revision to the Department's Consolidated Plan/Action plan, which an Applicant or Development Owner may request during the public comment process for the Consolidated Plan or the Action Plan (as applicable), or in accordance with 10 TAC §13.1. However, for Developments not covered by 24 CFR §92.252 (or similar language in the National Housing Trust Fund regulations) and the Development does not have another fund source that has prohibited the Department (via subordination agreement, Rider or other similar instrument) from unilaterally approving preferences, an Owner could request that the Department allow a preference via a written agreement as described in the rule.

§10.802(l)(1) and (2)

Comment: Commenter 1 recommends editing 10 TAC §10.802(l)(1) and (2) for clarity. The current language and formatting make timelines a bit hard to piece together and there are slight differences in language across the two subsections despite seemingly similar purposes.

Staff Response: Commenter 1's suggested specific revisions are being incorporated in part to improve clarity as suggested.

§10.802(l)(1) Relating to Existing Tenant Households

Commenter 2 recommends clarifying the timing for existing households during the first implementation cycle. For households occupying a Development when the rule takes effect, verification should be initiated at least 90 days before the household's next lease renewal or recertification. If that is not possible because the renewal or recertification occurs too soon after the effective date, verification should be completed by the household's following lease renewal or recertification. This gives Owners a workable transition period and avoids placing Owners in immediate technical noncompliance when the 90-day window cannot be met because of the timing of the rule's effective date.

Commenter 2 also recommends tying the notice and cure period to when a SAVE response is received, to ensure that the clock is not started earlier than the determination is received; they also reflected in their proposed blackline that the notice to tenants be given within 5 days, rather than 2 days.

Commenter 2 suggests adding an additional extension request period for households.

Commenter 2 also recommends adding to the rule other alternative options for bringing a household into compliance such as lease modification, removal of the unverified signatory, household composition documentation, or another permitted procedure. They suggest this as a member-level resolution mirrors HUD's mixed-family treatment under 24 CFR Part 5, Subpart E, and §10.628(f)(1)(B) already makes Section 214 verification satisfy this rule.

Staff Response: Staff concurs with the initiation period revisions to ensure all households receive the full benefit of the 90 days of time. Staff also concurs with tying the timing of the notice and cure period to when the determination is received. Staff does not recommend lengthening the notice to tenants from 2 days to 5 days because a household should hear as soon as possible. Staff does not recommend the added extension period because 90 days is sufficient; longer than that and the Unit should be leased to a qualified household. As it relates to the additional options for mixed family treatment and other solutions, solutions are only acceptable to the extent that ultimately all lease signers have been verified with legal status and have signed the attestation forms.

§10.802(l)(2) Relating to New Applicant Households

Commenter 2 recommends that rather than only inform applicants of the requirement and attestation at the time of denial that information should be provided earlier. They suggest that at application, the Owner informs the applicant in writing that verification under §10.628 applies before lease execution, identifies the documentation the applicant may provide, discloses the §10.612(a)(6) attestation, and describes extension and appeal rights. Front-loading this at application means the applicant learns of verification and its rights before lease execution, not after a denial. Commenter 2 suggesting revising the notice period from 2 days to 5 days and to make sure that notice is tied to receipt of the result from SAVE. Commenter 2 suggested a revision to the waiting list and unit handling to clarify a contradiction in the rule. Commenter 2 suggests that clarification be made that the notice of denial is in one coordinated notice under subsection (f).

Staff Response: Staff concurs with providing the early notice at the time of application and has added this into the rule. Staff does not concur with increasing the days of notice from two to five, but is revising the rule to tie notices to the receipt of the results. Staff has clarified the section on the waiting list and unit handling to be clearer. Staff concurs that one coordinated notice of denial should be issued and has clarified this in the rule.

§10.802(l)(3) Notice Contents

Comment: Commenter 1 recommends adding a requirement to 10 TAC §10.802(l)(3) that the notice of failure to verify includes a specific timeline for how long the household has to appeal or correct records before the owner seeks reverification. This mimics language already in §10.802(l)(2) and ensures that tenants or applicants understand process timelines.

Staff Response:

The commenter's suggested specific revisions are being incorporated as suggested.

Commenter 2 suggests that the notice be provided not only to those that cannot be verified but also those that receive an inconclusive result or must provide more documentation, matching the outcomes the verification process actually returns. Commenter 2 suggests that the notice should state the result and identify the pathway used under §10.628(f); they suggest that not every pathway is SAVE. Commenter 2 recommended that the notice should state whether documentation or information is needed to complete verification, contest the result, or cure the deficiency, so the household knows which of the three it faces. Commenter 2 notes that clarification is needed that records are corrected - not status. Commenter 2 suggests that the notice should state the deadline to submit documentation, request an extension, or appeal. The proposed notice omitted this. Lastly Commenter 2 suggests that the notice should state the consequence if the household does not respond, so the household understands what happens if it does nothing before the periods run.

Staff Response: Staff concurs with expanding the notice to those that receive inconclusive results or need more documentation and has revised the rule. As it relates to identifying the pathway under §10.628(f) because ‘not every pathway is SAVE,' staff is not making this revision; whether from the Department, the Owner or a third party, the verification step being discussed in this step is relating to a SAVE result. Even if the Department performs the process, it is still a SAVE result, not a Department determination. Staff concurred with the recommendation relating to whether documentation or information is needed. Staff concurs with making the revision from status to records, making the revision to include the deadline to submit documentation or an appeal, and to include the consequences of inaction to the notice.

§10.802(l)(4) Appeals

Commenter 1 recommends that language be clarified regarding appeals to clarify what the notice of an Owner's investigation must include.

Staff Response: The commenter's suggested edit is being incorporated.

Commenter 2 suggested that the appeal response period should be at least 14 days and suggests revising this language from investigation to appeal. Commenter 2 also suggests that the Owner should not proceed with denial or nonrenewal while a timely §1.7 appeal is pending, and the nonrenewal period tolls until the written decision. This mirrors HUD deferring termination until verification concludes. They also suggest language that clarifies that the appeal tests the Owner's process and result, not immigration status, which only DHS or the record-keeping agency can correct.

Staff Response: The commenter's suggested edit regarding the 14-day appeal response period is being added to the rule, as well as the revision to not proceed with denial or nonrenewal while in a timely filed appeal period, and the clarification that the appeal is on the Owner's handling of the issue, not the household's immigration status.

Other Comments

Commenter 2 also suggested adding several new sections comprising 10 new paragraphs, to the rule on conducting verification and lease administration. Those comments and suggested additions can be viewed fully in the comment posted on the Department's website.

Staff Response:

Because these significant rule changes were not contemplated in the draft released for comment, staff is unable to add them at this point without releasing for further comment.

STATUTORY AUTHORITY. The rule action is adopted pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the amended rule affects no other code, article, or statute.

§10.802. Written Policies and Procedures.

(a) The purpose of this section is to outline the policies and/or procedures of the Department (also called tenant section criteria) that are required to have written documentation. If an Owner fails to have such Written Policies and Procedures, or fails to follow their Written Policies and Procedures it will be handled as an Event of Noncompliance as further provided in §10.803 of this subchapter (relating to Compliance and Events of Noncompliance).

(1) Owners must inform applicants/tenants in writing, at the time of application, or at the time of other actions described in this section, that such policies/procedures as described in this section are available, and that the Owner will provide copies upon request to applicants/tenants or their representatives.

(2) The Owner must have all policies and related documentation required by this section and the TDHCA form based on HUD form 5380 "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD form 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation" available in the leasing office and anywhere else where applications are taken; Developments that accept electronic applications must maintain on their website these Written Policies and Procedures and the same noted forms.

(3) All policies must have an effective date. Any changes made to the policies require a new effective date, and a notice regarding the availability of new policies must be communicated to tenants in writing. Acceptable forms of notification in writing are:

(A) Written notice to each household through an active communications portal or online rental payment portal, if either are used at the Development;

(B) written notice via hard copy placed on the door to each occupied Unit;

(C) a notice online on the Development's website, if the Development has one; or

(D) a hard copy notice posted in the leasing office's public area for at least 30 calendar days.

(4) In general, policies addressing credit, criminal history, and occupancy standards cannot be applied retroactively. Tenants who already reside in the Development or applicants on the waitlist at the time new or revised tenant selection criteria are applied, and who are otherwise in good standing under the lease or waitlist, must not receive notices of termination or non-renewal based solely on their failure to meet the new or revised tenant selection criteria or be passed over on the waitlist. However, criteria related to program eligibility or compliance with PRWORA may be applied retroactively when a market rate development receives a new award of tax credits, federal, or state funds and a household is not eligible under the new program requirements, or when prior criteria violate federal or state law.

(b) Tenant Selection Criteria. A Development Owner must maintain current and prior versions of the written Tenant Selection Criteria, for the longer of the records retention period that applies to the program, or for as long as tenants who were screened under the historical criteria are occupying the Development.

(1) The criteria identified by a Development must be reasonably related to an applicant's ability to perform under the lease (for a Development with MFDL funding this means to pay the rent, not to damage the housing, and not to interfere with the rights and quiet enjoyment of other tenants) and include at a minimum:

(A) Requirements that determine an applicant's basic eligibility for the Development, including any preferences, restrictions (such as the Occupancy Standard Policy), the Waitlist Policy, Changes in Housing Designation Policy, low income unit designations utilized, and any other tenancy requirements. Any restrictions on student occupancy and any exceptions to those restrictions, as documented in the tenant file as provided for in 10 TAC §10.612(b)(2) of this chapter (relating to Tenant File Requirements) must be stated in the policies;

(B) Applicant screening criteria, including what applicant attributes are screened and what scores or findings would result in ineligibility;

(C) The following statement: Screening criteria will be applied in a manner consistent with all applicable laws, including the Texas and Federal Fair Housing Acts, the Federal Fair Credit Reporting Act, PRWORA, program guidelines, and TDHCA's rules;

(D) Specific age requirements if the Development is operating as an Elderly Property either under the Housing for Older Persons Act of 1995 as amended (HOPA), or the age related eligibly criteria required by its use of federal funds.

(2) The criteria must not:

(A) Include population limitations (such as Elderly or Veterans) unless the limitation is in a recorded LURA that has been approved by the Department;

(B) Include preferences for admission, unless it is:

(i) in a recorded LURA or Contract (as defined by programmatic requirements) or written agreement that has been approved by the Department (preferences are required to be in a Contract or LURA when a Development has federal or state funding from the Department, except for the preference allowed by paragraph (3) of this subsection or the mandatory preference as required by 24 CFR §8.27),

(ii) is required by a program in which the Owner is participating that requires the preference, or

(iii) is allowed by paragraph (3) of this subsection.

(iv) Owners that include preferences in their leasing criteria due to other federal financing must provide to the Department either written approval from HUD, USDA, or VA for such preference,

or identify the statute, written agreement, or federal guidance documentation that permits the adoption of this preference.

(v) A preference may be required to be in a LURA as a result of a subordination agreement, Rider, or other similar instrument, that the Department is requested to execute with another funding source;

(C) Exclude an individual or family from admission to the Development solely because the household participates in the HOME Tenant Based Rental Assistance Program, the housing choice voucher program under Section 8, United States Housing Act of 1937 (42 U.S.C. §1437), or other federal, state, or local government rental assistance program. If an Owner adopts a minimum income standard for households participating in a voucher program, it is limited to the greater of a monthly income of 2.5 times the household's share of the total monthly rent amount or $2,500 annually, except in the case of Foster Youth to Independence (FYI) vouchers any adopted minimum income standard is limited to one month of the household's share of the total monthly rent amount; or

(D) In accordance with VAWA, deny admission on the basis that the applicant has been a victim of domestic violence, dating violence, sexual assault, or stalking.

(3) If the Development is funded with HOME, HOME ARP, ERA, TCAP RF, NHTF, or NSP funds, in accordance with 24 CFR §93.356 and 24 CFR §92.359, the criteria may have a preference for persons who have experienced domestic violence, dating violence, sexual assault, or stalking.

(4) Occupancy Standard Policy.

(A) If the Development restricts the number of occupants in a Unit in a more restrictive manner than found in Section 92.010 of the Texas Property Code, the Occupancy Standard Policy must allow at least two persons per Bedroom plus one additional person per Unit. An Efficiency Unit that is greater than 600 square feet, must also have an Occupancy Standard Policy of at least three persons per Unit. In an SRO or in an Efficiency that is less than 600 square feet, the Occupancy Standard Policy must allow at least two persons per Unit. Supportive housing or transitional housing Developments where all Units in the Development are SROs or Efficiencies, are not required by the Department to have an Occupancy Standard Policy, except as required for the 811 PRA Program or as reflected in the Development's LURA.

(B) A Development may adopt a more restrictive standard than described in subparagraph (A) of this paragraph, if the Development is required to utilize a more restrictive standard by a local governmental entity, or a federal funding source. However, the Development must have this information available onsite for Department review.

(C) Except for an Elderly Development that meets the requirements of the Housing for Older Persons Act exception under the Fair Housing Act, the Occupancy Standard Policy must state that children that join the household after the start of a lease term will not cause a household to be in violation of the lease.

(c) Reasonable Accommodations Policy. Owners must maintain a written Reasonable Accommodations policy. The policy must be maintained at the Development. Owners are responsible for ensuring that their employees and contracted third party management companies are aware of and comply with the reasonable accommodation policy.

(1) The policy must provide:

(A) Information on how an applicant or current resident with a disability may request a reasonable accommodation;

(B) How transfers related to a reasonable accommodation will be addressed; and

(C) A timeframe in which the Owner will respond to a request that is compliant with §1.204(b)(3) and (d) of this title (relating to Reasonable Accommodations).

(2) The policy must not:

(A) Require a household to make a reasonable accommodation request in writing;

(B) Require a household whose need is readily apparent to provide third party documentation of a disability;

(C) Require a household to provide specific medical or disability information other than the disability verification that may be requested to verify eligibility for reasonable accommodation;

(D) Exclude a household with person(s) with disabilities from admission to the Development because an accessible unit is not currently available; or

(E) Require a household to rent a unit that has already been made accessible.

(d) Waitlist Policy. Owners must maintain a written waitlist policy, regardless of current Unit availability. The policy must be maintained at the Development. The policy must include procedures the Development uses in:

(1) Opening, closing, and selecting applicants from the waitlist, including but not limited to the requirements in §10.615(b) of this title (relating to Elections under IRC §42(g) and Additional Income and Rent Restrictions for HTC, Exchange, and TCAP Developments);

(2) Determining how lawful preferences are applied; and

(3) Procedures for prioritizing applicants needing accessible Units in accordance with 24 CFR §8.27, and Chapter 1, Subchapter B of this title (relating to Accessibility and Reasonable Accommodations).

(e) Changes in Household Designation Policy. This is applicable if a Development has adopted a policy in accordance with §10.611(c) of this subchapter (relating to Determination, Documentation and Certification of Annual Income).

(f) Denied Application Policies. Owners must maintain a written policy regarding the procedures they will follow when denying an application and when notifying denied applicants of their rights.

(1) The policy must address the manner by which rejections of applications will be handled, including timeframes and appeal procedures, if any.

(2) Within seven days after the determination is made to deny an application, the owner must provide any rejected or ineligible applicant that completed the application process a written notification of the grounds for rejection. The written notification must include:

(A) The specific reason for the denial and reference the specific leasing criteria upon which the denial is based;

(B) Contact information for any third parties that provided the information on which the rejection was based and information on the appeals process, if one is used by the Development. An appeals procedure is required for HOME Developments that are owned or sponsored by Community Housing Development Organizations (including a Development that ever received HOME funding that was purchased under a CHDO ROFR Provision on or after April 30, 2026), and Units at Developments that lease Units under the Department's Section 811

PRA program. The appeals process must provide a 14-day period for the applicant to contest the reason for the denial, and comply with other requirements of the HUD Handbook 4350.3 4-9; and

(C) The TDHCA form based on HUD form 5380 "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD form 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation."

(3) The Development must keep and may periodically be requested to submit to the Department a log of all denied applicants that completed the application process to include:

(A) Basic household demographic and rental assistance information, if requested during any part of the application process; and

(B) The specific reason for which an applicant was denied.

(4) If an 811 applicant is being denied, within three calendar days of the denial the Department's 811 PRA Program point of contact must be notified and provided with a copy of the written notice that was provided to the applicant.

(g) Non-renewal and/or Termination Notices. A Development Owner must maintain a written policy regarding procedures for providing households non-renewal and termination notices.

(1) The Owner must provide in any non-renewal or termination notice, a specific and lawful reason for the termination or non-renewal.

(2) The notification must:

(A) Be delivered as required under applicable program rules and the lease. For HOME, HOME ARP, TCAP RF, NHTF, NSP, HTC, TCAP, ERA, and Exchange Developments, see 10 TAC §10.613(a) - (b) of this chapter (relating to Lease Requirements). For Section 811 PRA, see 24 CFR §247.4(a) - (f);

(B) Include the TDHCA form based on HUD form 5380 "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD form 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation." To avoid providing applicants and residents with duplicate information, TDHCA administered Developments layered with other federal funds are permitted to amend the TDHCA VAWA forms to incorporate requirements of other funders. However, none of the information included in the TDHCA created form may be omitted;

(C) State how a person with a disability may request a reasonable accommodation in relation to such notice;

(D) Include information on the appeals process if one is used by the Development. This process is required under some LURAs, for HOME Developments that are owned or sponsored by Community Housing Development Organizations (including a Development that ever received HOME funds purchased under a CHDO ROFR Provision on or after April 30, 2026) and for 811 PRA units. For HOME Developments, the Owner must provide at least 30 days for the household to respond to the termination or non-renewal, and for 811 PRA Units the Owner must provide at least 14 days; and

(E) For Units subject to the 2025 HOME Final Rule as identified in §10.601(g), of this chapter relating to 2025 HOME Final Rule applicability,

(i) Such notice should be provided in a translated format when needed to ensure meaningful access for limited English proficient (LEP) persons; and

(ii) Be provided to TDHCA within the timeframe identified in §10.613(o)(4) of this chapter, relating to Notices to Vacate.

(h) At the time of application Owners must provide each adult in the household the TDHCA form based on HUD form 5380 "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD form 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation." To avoid providing applicants and residents with duplicate information, TDHCA administered Developments layered with other federal funds are permitted to amend the TDHCA VAWA forms to incorporate requirements of other funders. However, none of the information included in the TDHCA created form may be omitted.

(i) Policies and procedure reviews may be initiated periodically by the Department as a result of complaints, or through an owner requested written policies and procedures review. Owners may request a review of the written policies and procedures for a portfolio of Developments by submitting a request to fair.housing@tdhca.state.tx.us. After review by the Department, an Owner may make non-substantive changes to the policies.

(j) A Development Owner must allow applicants to submit applications via mail and at the Development site or leasing office; if the Development is electronically equipped, the Development may also allow applications to be submitted via email, website form, or fax. The Development's tenant selection criteria must state available alternate means of submission and include address, email, or other necessary contact information on the form or its attached leasing criteria.

(k) If the Development has ever been funded via Direct Loan or has HOME Match Units, the Development's written policies and procedures must list at least two methods to contact the Development.

(l) For HOME, HOME ARP, and NHTF Developments as it relates to verifying occupant legal status as required under §10.612 Tenant File Requirements and §10.628 Verification of Occupant Legal Status of this title for HOME, HOME ARP, and NHTF Developments of this title, the Development's written policies and procedures must include:

(1) For an existing occupant that has not been verified for legal status:

(A) Initiation. For existing occupants at the time that this rule goes into effect, verification must be initiated for all lease renewals or recertifications 90 days in advance of their subsequent lease renewal or recertification. When, due to the implementation date of this rule becoming effective, 90 days advance notice cannot be provided, this eligibility must be determined by the following recertification or renewal.

(B) Notice and Cure Timing. If an existing lease signatory is unable to be verified or verification results are inconclusive, the Owner must provide written notice within two business days of the receipt of the determination and at least 60 days prior to lease renewal. Such notice must meet the criteria in paragraph (3) of this subsection. The tenant household may seek to obtain adequate documentation or correct status with applicable agencies. If the occupant seeks to appeal or correct records in response to the notice, the Owner must allow at least 30 days from the date of notification before seeking to reverify. If the Owner receives the result fewer than 60 days prior to the lease renewal or recertification, the notice, appeal and nonrenewal periods run from the date of the receipt of the result, and occupancy may continue until those periods have elapsed.

(C) Nonrenewal. If upon receipt of further documentation, a required lease signatory is still unable to be verified or the person has not signed the required attestation, the Owner must provide the household with at least 30 days notice of nonrenewal.

(2) For a new applicant household that has not been verified for legal status:

(A) Application Disclosure. At application, the Owner must inform the applicant in writing that verification under §10.628 will be performed prior to lease execution, identify the documentation or information the applicant may provide, disclose the attestation required by §10.612(a)(6) and describe the applicant's right to an appeal.

(B) Notice and Response. If a new applicant household is unable to be verified or verification results are inconclusive, the Owner must provide written notice to the applicant within two business days of receipt of the determination. Such notice must meet the criteria in paragraph (3) of this subsection. If the household seeks to appeal or correct records in response to the notice, the Owner must allow the household 30 days from the date of notification before seeking to reverify the household.

(C) Waiting List and Unit Handling. Unless a federal program requires another method for Waiting List Management, during the applicant verification process the Owner must either hold the Unit vacant for the period specified in its Written Policies and Procedures or place that applicant household at the top of the Waiting List for the next available Unit for which the household qualifies, and proceed to the next applicant on the Waiting List. The policies and procedures must describe how the Waiting List will be handled, and if holding a Unit vacant, the procedures must specify the number of days a Unit will be held. The policies and procedures must denote if an extension beyond 30 days at the top of the Waiting List will be permitted and under what circumstances. Additionally, if another federal program requires a different method of Waiting List Management, those requirements must be available for review by the Department or must be reviewed by the Department (if required by programmatic requirements).

(D) Denial. If verification cannot be completed after the applicable response, extension and appeal periods have elapsed, the Owner must deny the application under subsection (f) of this section and provide one coordinated notice.

(3) Notice to a household that is unable to be verified, has received inconclusive results, or must provide additional documentation must:

(A) state the results received from SAVE;

(B) state whether any additional documentation or information is required to complete verification, to contest the result or cure the deficiency;

(C) provide the household with the information necessary to contact the Department of Homeland Security (DHS) to correct their immigration records;

(D) notify the applicant household that they may seek correction of records with any agency that issued or maintains records relevant to verification;

(E) notify the household of their appeal rights and identify the applicable deadlines;

(F) notify the applicant of the property allowing the household 30 days from the date of notification before seeking to reverify; and

(G) state the consequence if the household does not respond or if verification cannot be completed after the applicable cure and appeal periods.

(4) Appeals. Owners must establish a written procedure to address an applicant's, occupant's, or tenant's appeal of a determination under this subsection. The procedure shall at a minimum include:

(A) An appeal period of not fewer than 14 days from the receipt of the notice that provides for an investigation and final decision by the owner or Management Company, with notification of completion including the results of the investigation, reasoning for the final decision, and instructions for how to file an appeal with the Department delivered to the tenant within 10 days of appeal receipt; and

(B) If after a Management Company or Owner determination has been made, an appeal may be submitted to the Department under §1.7 of this title (relating to Appeals Process). The Owner must not proceed with denial or nonrenewal while a timely filed appeal under §1.7 of this title is pending. An appeal under this paragraph concerns whether the Owner followed this subsection and correctly applied the verification result; it does not adjudicate immigration status.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 9, 2026.

TRD-202602818

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

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For further information, please call: (512) 475-3959

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TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 74. CURRICULUM REQUIREMENTS

SUBCHAPTER B. GRADUATION REQUIREMENTS

19 TAC §74.11, §74.12

The State Board of Education (SBOE) adopts amendments to §74.11 and §74.12, concerning graduation requirements. The amendments are adopted with changes to the proposed text as published in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1235) and will be republished. The adopted amendments update high school graduation requirements to align with House Bill (HB) 27, 89th Texas Legislature, Regular Session, 2025, related to personal financial literacy, and Senate Bill (SB) 2314, 89th Texas Legislature, Regular Session, 2025, related to the Texas Higher Education Coordinating Board (THECB) direct admission program.

REASONED JUSTIFICATION: The 89th Texas Legislature, Regular Session, 2025, passed HB 27, requiring students to successfully complete a one-half credit personal financial literacy course instead of the option to complete either a one-half credit economics course or a one-half credit course in economics and personal financial literacy to satisfy the economics requirement under the Foundation High School Program. The bill changed the current one-half credit economics course to a one-credit course and permits students to select the third social studies credit required for graduation from economics, world geography, or world history. The bill also added new Texas Education Code (TEC), §28.025(b-24), requiring the SBOE to allow a student to comply with the personal financial literacy requirement by successfully completing an advanced placement course.

The 89th Texas Legislature, Regular Session, 2025, also passed SB 2314, amending the state graduation requirements in TEC, §28.025(c), to require students to elect whether to allow the THECB to share the student's data and education records, as necessary, with institutions of higher education to allow the student to participate in the direct admission program established by THECB.

The adopted amendments update the high school graduation requirements to align with HB 27 and SB 2314. An additional amendment clarifies that the changes to the social studies graduation requirements adopted under HB 27 apply to students who enter Grade 9 beginning with the 2026-2027 school year, consistent with statute.

The following changes were made since approved for first reading and filing authorization.

Section 74.11(c) was amended by deleting the reference to "Grade 9" to establish that the direct admission program requirement applies to all high school students beginning with the 2026-2027 school year.

Section 74.12(b)(1) was amended to align with new English Language Proficiency Standards (ELPS) adopted in 2024 by replacing the phrase "with limited English proficiency who are at the beginning or intermediate level of" with the phrase "who have not yet demonstrated." The paragraph was further amended by replacing the term "and" with the term "and/or" between English I and English II and between English I for Speakers of Other Languages and English II for Speakers of Other Languages to indicate that the English I requirement may be met with English I for Speakers of Other Languages and the English II requirement can be met with English II for Speakers of Other Languages. The term "respectively" was also added to indicate the relationship between the level I and level II courses.

Section 74.12(b)(1) was amended by replacing an out-of-date reference to 19 TAC §110.33 with a reference to the current rule in 19 TAC §110.38.

Section 74.12(b)(1)(Q) was amended by replacing an out-of-date reference to 19 TAC §110.34 with a reference to the current rule in 19 TAC §110.39.

Section 74.12(b)(4)(A) was amended to include the complete course title for United States History Studies Since 1877 and reference proposed new 19 TAC §113.24.

In §74.12(b)(4)(C) and (D), the one-half credit course options, including Personal Financial Literacy and AP Business with Personal Finance, and the one credit course options, including World History Studies, World Geography Studies, Economics with Emphasis on the Free Enterprise System and Its Benefits, and a comparable AP or IB world history or world geography course that does not count toward another credit required for graduation, were replaced by options that align with HB 27 for students who enter Grade 9 in the 2026-2027 school year or later and options for students who entered Grade 9 prior to the 2026-2027 school year.

Section 74.12(b)(7)(B) was amended to correct a chapter title.

A redundant phrase was removed from a cross reference in §74.12(c).

The SBOE approved the amendments for first reading and filing authorization at its January 30, 2026 meeting and for second reading and final adoption at its June 26, 2026 meeting.

In accordance with TEC, §7.102(f), the SBOE approved the amendments for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2027-2028 school year. The earlier effective date will allow districts of innovation that begin school prior to the statutorily required start date to implement the proposed rulemaking when they begin their school year. The effective date is August 1, 2026.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began February 27, 2026, and ended at 5:00 p.m. on March 30, 2026. The SBOE also provided an opportunity for registered oral and written comments at its April 2026 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of public comments received and corresponding responses.

Comment. One administrator recommended adding language to clarify whether the proposed amendments apply only to incoming freshmen for the 2026-2027 school year and beyond.

Response. The SBOE agrees and took action to amend the proposal to clearly distinguish between existing graduation requirements that apply to students who entered Grade 9 prior to the 2026-2027 school year and new requirements related to HB 27, 89th Texas Legislature, Regular Session, 2025, that apply to students who enter Grade 9 beginning with the 2026-2027 school year.

Comment. One parent expressed support for an amendment that would allow students to complete two courses selected from economics, world geography, and world history.

Response. The SBOE disagrees that it is necessary for students to complete two courses selected from economics, world geography, and world history and took action to adopt the amendment to require students to complete one credit selected from one of these three courses, in accordance with HB 27.

Comment. One community member expressed concern that delays in approving new instructional materials for personal financial literacy could create multi-year gaps in required instruction.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One counselor stated financial literacy should be a required course for every student graduating from a public high school.

Response. The SBOE agrees and took action to add the one-half credit in personal financial literacy graduation requirement to 19 TAC §74.12(b)(4)(C), as required by HB 27, 89th Texas Legislature, Regular Session, 2025.

Comment. One community member expressed concern that the Advanced Placement (AP) Business with Personal Finance course is primarily a business course, newly developed, costly, and limited in access and lacks validated outcomes or consistent college credit recognition. The commenter suggested the SBOE adopt a rigorous, universally accessible personal financial literacy course focused on real-world decision-making and long-term student success.

Response. This comment regarding the adoption of a personal financial literacy course is outside the scope of the proposed rulemaking.

Comment. Three teachers, two counselors, two administrators, two community members, and one out-of-state individual stated that the AP Business with Personal Finance course provides students with rigorous coursework, college credit opportunities, and workforce-relevant financial skills.

Response. The SBOE provides the following clarification. HB 27, 89th Texas Legislature, Regular Session, 2025, requires the SBOE to allow an AP course with substantially similar and rigorous content to satisfy the personal financial literacy requirement for students entering Grade 9 during the 2026-2027 school year. As a separate item at its June 2026 meeting, the SBOE approved for first reading and filing authorization proposed new TEKS for the personal financial literacy course under 19 TAC §113.26. To ensure that the AP option has substantially similar and rigorous content, the SBOE took action to remove AP Business with Personal Finance from §74.12(b)(4)(C) and will reconsider an AP option after the proposed new TEKS have been adopted.

Comment. Two teachers, two counselors, and one administrator stated that allowing AP Business with Personal Finance to satisfy the social studies graduation requirement in personal financial literacy provides greater flexibility to districts.

Response. The SBOE provides the following clarification. HB 27, 89th Texas Legislature, Regular Session, 2025, requires the SBOE to allow an AP course with substantially similar and rigorous content to satisfy the personal financial literacy requirement for students entering Grade 9 during the 2026-2027 school year. As a separate item at its June 2026 meeting, the SBOE approved for first reading and filing authorization proposed new TEKS for the personal financial literacy course under 19 TAC §113.26. To ensure that the AP option has substantially similar and rigorous content, the SBOE took action to remove AP Business with Personal Finance from §74.12(b)(4)(C) and will reconsider an AP option after the proposed new TEKS have been adopted.

Comment. Three teachers, two counselors, one administrator, one community member, and an out-of-state individual stated that the AP Business with Personal Finance course aligns with the Texas Essential Knowledge and Skills (TEKS) for 19 TAC §113.49, Personal Financial Literacy.

Response. The SBOE provides the following clarification. HB 27, 89th Texas Legislature, Regular Session, 2025, requires the SBOE to allow an AP course with substantially similar and rigorous content to satisfy the personal financial literacy requirement that applies to students entering Grade 9 during the 2026-2027 school year. As a separate item at its June 2026 meeting, the SBOE approved for first reading and filing authorization proposed new TEKS for the personal financial literacy course under 19 TAC §113.26. To ensure substantially similar and rigorous content, the SBOE took action to remove AP Business with Personal Finance from §74.12(b)(4)(C) and will reconsider an AP option after the proposed new TEKS have been adopted.

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school program that are consistent with the required curriculum and requires the SBOE to designate specific courses that are required for the foundation high school program; TEC, §28.025(b-1)(4), which requires the SBOE to require that the curriculum requirements for the foundation high school program include a requirement that students successfully complete at least one-half credit in personal financial literacy; TEC, §28.025(b-24), as added by House Bill 27, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to allow a student to comply with the curriculum requirement for a one-half credit in personal financial literacy by successfully completing an advanced placement course designated by the SBOE as containing substantively similar and rigorous academic content; TEC, §28.025(c)(1), which permits a student to graduate and receive a diploma only if the student successfully completes the curriculum requirements identified by the SBOE under TEC, §28.025(a), and complies with TEC, §§28.0256, 28.0257, and 39.025; and TEC, §28.0257, as added by Senate Bill 2314, 89th Texas Legislature, Regular Session, 2025, which requires a student to elect whether to opt in to allowing the Texas Higher Education Coordinating Board to share the student's data and education records, as necessary, with institutions of higher education to allow the student to participate in the direct admissions program established by THECB.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§7.102(c)(4); 28.025(a); (b-1)(4); (b-24), as added by House Bill 27, 89th Texas Legislature, Regular Session, 2025; and (c)(1); and 28.0257, as amended by Senate Bill 2314, 89th Texas Legislature, Regular Session, 2025.

§74.11. High School Graduation Requirements.

(a) To receive a high school diploma, a student entering Grade 9 in the 2014-2015 school year and thereafter must complete the following:

(1) in accordance with subsection (d) of this section, requirements of the Foundation High School Program specified in §74.12 of this title (relating to Foundation High School Program);

(2) testing requirements for graduation as specified in Chapter 101 of this title (relating to Assessment); and

(3) demonstrated proficiency, in Grade 8 or higher, as determined by the district in which the student is enrolled, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

(b) Beginning with students enrolled in Grade 12 during the 2021-2022 school year, each student in Grade 12 must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) before graduating from high school.

(1) A student may graduate under the Foundation High School Program without completing a financial aid application if:

(A) the student's parent or other person standing in parental relation submits a signed form, approved by the Texas Education Agency (TEA), indicating that the parent or other person declines to complete and submit the application or authorizes the student to decline to complete and submit the financial aid application;

(B) the student signs and submits the form described by paragraph (1) of this subsection on the student's own behalf if the student is 18 years of age or older or has been emancipated under Texas Family Code, Chapter 31; or

(C) a school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

(2) A school counselor may not indicate that a student has not complied with this subsection if the school district or open-enrollment charter school fails to provide the form described by paragraph (1)(A) of this subsection to the student or the student's parent or guardian.

(c) Beginning with students enrolled during the 2026-2027 school year, before graduating high school, a student must elect whether or not to allow the Texas Higher Education Coordinating Board (THECB) to share the student's data and education records, as necessary, with institutions of higher education to allow the student to participate in the direct admission program established by the THECB pursuant to TEC, §61.0511(b)(2). A student satisfies this requirement if:

(1) the student provides documentation that the student has established a profile on the My Texas Future website and elected to participate in the direct admission program;

(2) the student's parent or guardian submits a signed form authorizing the student to decline to complete and submit information necessary to participate in the program;

(3) the student is 18 years or older or has had the disabilities of minority removed and signs and submits a form declining to complete and submit information necessary to participate in the program; or

(4) a school counselor authorizes the student in writing to decline to complete and submit the information necessary to participate in the program.

(d) A school district shall clearly indicate the distinguished level of achievement under the Foundation High School Program, an endorsement, and a performance acknowledgment on the transcript or academic achievement record (AAR) of a student who satisfies the applicable requirements.

(e) A student entering Grade 9 in the 2014-2015 school year and thereafter shall enroll in the courses necessary to complete the curriculum requirements for the Foundation High School Program specified in §74.12 of this title and the curriculum requirements for at least one endorsement specified in §74.13 of this title (relating to Endorsements).

(f) A student may graduate under the Foundation High School Program without earning an endorsement if, after the student's sophomore year:

(1) the student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and

(2) the student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the Foundation High School Program without earning an endorsement.

(g) A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the Foundation High School Program and the curriculum requirements for at least one endorsement required by the Texas Education Code (TEC), §28.025(b-15), including four credits in science and four credits in mathematics to include Algebra II.

(h) An out-of-state or out-of-country transfer student (including foreign exchange students) or a transfer student from a Texas nonpublic school is eligible to receive a Texas diploma but must complete all requirements of this section to satisfy state graduation requirements. Any course credit required in this section that is not completed by the student before he or she enrolls in a Texas school district may be satisfied through the provisions of §74.23 of this title (relating to Correspondence Courses and Distance Learning) and §74.24 of this title (relating to Credit by Examination) or by completing the course or courses according to the provisions of §74.26 of this title (relating to Award of Credit).

(i) Elective credits may be selected from the following:

(1) high school courses not required for graduation that are listed in the following chapters of this title:

(A) Chapter 110 of this title (relating to Texas Essential Knowledge and Skills for English Language Arts and Reading);

(B) Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics);

(C) Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science);

(D) Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies);

(E) Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English);

(F) Chapter 115 of this title (relating to Texas Essential Knowledge and Skills for Health Education);

(G) Chapter 116 of this title (relating to Texas Essential Knowledge and Skills for Physical Education);

(H) Chapter 117 of this title (relating to Texas Essential Knowledge and Skills for Fine Arts); and

(I) Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development and Career and Technical Education);

(2) state-approved innovative courses as specified in §74.27 of this title (relating to Innovative Courses and Programs);

(3) Junior Reserve Officer Training Corps (JROTC)--one to four credits;

(4) Driver Education--one-half credit; and

(5) College preparatory English language arts or mathematics courses developed and offered pursuant to the TEC, §28.014.

(j) Courses offered for dual credit at or in conjunction with an institution of higher education that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements.

(k) A student may not be enrolled in a course that has a required prerequisite unless:

(1) the student has successfully completed the prerequisite course(s);

(2) the student has demonstrated equivalent knowledge as determined by the school district; or

(3) the student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

(l) A district may exempt a student from a specific career and technical education (CTE) course prerequisite for a CTE course that satisfies a mathematics or science credit if the district determines the student is not using the course to complete a CTE program of study.

(m) A district may award credit for a course a student completed without meeting the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

(n) A district shall allow a student who successfully completes AP Computer Science A or IB Computer Science Higher Level to satisfy both one advanced mathematics requirement and one languages other than English requirement for graduation.

(o) Each school district shall annually report to TEA the names of the locally developed courses, programs, institutions of higher education, and internships in which the district's students have enrolled as authorized by the TEC, §28.002(g-1). TEA shall make available information provided under this subsection to other districts. If a district chooses, it may submit any locally developed course for approval under §74.27 of this title as an innovative course.

(p) Each school district shall annually report to TEA the names of cybersecurity courses approved by the board of trustees for credit and the institutions of higher education in which the district's students have enrolled as authorized by the TEC, §28.002(g-3). TEA shall make available information provided under this subsection to other districts. If a district chooses, it may submit any locally developed course for approval under §74.27 of this title as an innovative course.

(q) A school district shall permit a student to comply with the curriculum requirements under the Foundation High School Program by successfully completing appropriate courses in the core curriculum of an institution of higher education (IHE). A student who has completed the core curriculum of an IHE in accordance with TEC, §61.822, as certified by the IHE in accordance with §4.28 of this title (relating to Core Curriculum):

(1) is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;

(2) is considered to have earned a distinguished level of achievement under the Foundation High School Program; and

(3) is entitled to receive a high school diploma.

§74.12. Foundation High School Program.

(a) Credits. A student must earn at least 22 credits to complete the Foundation High School Program.

(b) Core courses. A student must demonstrate proficiency in the following.

(1) English language arts--four credits. Two of the credits must consist of English I and II. (Students who have not yet demonstrated English language proficiency may satisfy the English I and/or English II graduation requirements by successfully completing English I for Speakers of Other Languages and/or English II for Speakers of Other Languages, respectively.) A third credit must consist of English III, a comparable Advanced Placement (AP) English language arts course that does not count toward another credit required for graduation, or a comparable International Baccalaureate (IB) English language arts course that meets all the requirements in §110.38 of this title (relating to English Language Arts and Reading, English III (One Credit), Adopted 2017). A fourth credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:

(A) English IV;

(B) Independent Study in English;

(C) Literary Genres;

(D) Creative Writing;

(E) Research and Technical Writing;

(F) Humanities;

(G) Public Speaking III;

(H) Communication Applications, which must be combined with another half credit from the other courses listed in subparagraphs (A)-(G) and (I)-(S) of this paragraph;

(I) Oral Interpretation III;

(J) Debate III;

(K) Independent Study in Speech;

(L) Independent Study in Journalism;

(M) Advanced Broadcast Journalism III;

(N) Advanced Journalism: Newspaper III;

(O) Advanced Journalism: Yearbook III;

(P) a comparable Advanced Placement (AP) English language arts course that does not count toward another credit required for graduation;

(Q) a comparable International Baccalaureate (IB) English language arts course that meets all the requirements in §110.39 of this title (relating to English Language Arts and Reading, English IV (One Credit), Adopted 2017);

(R) after the successful completion of English I, II, and III, a locally developed English language arts course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the Texas Education Code (TEC), §28.002(g-1);

(S) Business English; and

(T) a college preparatory English language arts course that is developed pursuant to the TEC, §28.014.

(2) Mathematics--three credits. Two of the credits must consist of Algebra I and Geometry.

(A) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses or a credit selected from the courses listed in subparagraph (B) of this paragraph:

(i) Mathematical Models with Applications;

(ii) Mathematical Applications in Agriculture, Food, and Natural Resources;

(iii) Digital Electronics;

(iv) Financial Mathematics;

(v) Applied Mathematics for Technical Professionals;

(vi) Accounting II;

(vii) Manufacturing Engineering Technology II; and

(viii) Robotics II.

(B) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:

(i) Algebra II;

(ii) Precalculus;

(iii) Advanced Quantitative Reasoning;

(iv) Independent Study in Mathematics;

(v) Discrete Mathematics for Problem Solving;

(vi) Algebraic Reasoning;

(vii) Statistics;

(viii) a comparable AP mathematics course that does not count toward another credit required for graduation;

(ix) AP Computer Science A;

(x) IB Computer Science Higher Level;

(xi) Engineering Mathematics;

(xii) Statistics and Business Decision Making;

(xiii) Mathematics for Medical Professionals;

(xiv) Discrete Mathematics for Computer Science;

(xv) pursuant to the TEC, §28.025(b-5), after the successful completion of Algebra II, a mathematics course endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit. The Texas Education Agency (TEA) shall maintain a current list of courses offered under this clause; and

(xvi) after the successful completion of Algebra I and Geometry, a locally developed mathematics course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1).

(C) One credit of a two-credit IB mathematics course selected from Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics) may satisfy the additional mathematics credit.

(3) Science--three credits. One credit must consist of Biology or a comparable AP or IB biology course.

(A) One credit must be selected from the following laboratory-based courses:

(i) Integrated Physics and Chemistry;

(ii) Chemistry;

(iii) Physics;

(iv) Physics for Engineering; and

(v) a comparable AP or IB chemistry or physics course that does not count toward another credit required for graduation.

(B) The additional credit may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following laboratory-based courses:

(i) Chemistry;

(ii) Physics;

(iii) Aquatic Science;

(iv) Astronomy;

(v) Earth Systems Science;

(vi) Environmental Systems;

(vii) Specialized Topics in Science;

(viii) a comparable AP science course that does not count toward another credit required for graduation;

(ix) Advanced Animal Science;

(x) Advanced Plant and Soil Science;

(xi) Anatomy and Physiology;

(xii) Medical Microbiology;

(xiii) Pathophysiology;

(xiv) Food Science;

(xv) Forensic Science;

(xvi) Biotechnology I;

(xvii) Biotechnology II;

(xviii) Physics for Engineering;

(xix) Scientific Research and Design;

(xx) Engineering Design and Problem Solving;

(xxi) Engineering Science;

(xxii) pursuant to the TEC, §28.025(b-5), after the successful completion of physics, a science course endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit. The TEA shall maintain a current list of courses offered under this clause;

(xxiii) a locally developed science course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1); and

(xxiv) one credit of a two-credit IB science course selected from Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science).

(C) Credit may not be earned for both physics and Physics for Engineering to satisfy science credit requirements.

(4) Social studies--three credits.

(A) One credit must consist of §113.41 of this title (relating to United States History Studies Since 1877 (One Credit), Adopted 2022) until superseded by §113.24 of this title (relating to United States History Studies (One Credit), Adopted 2026).

(B) One-half credit must consist of United States Government.

(C) Beginning with students who enter Grade 9 in the 2026-2027 school year or later:

(i) one-half credit must be selected from the following:

(I) §113.49 of this title (relating to Personal Financial Literacy (One-Half Credit), Adopted 2016) until superseded by §113.26 of this title (relating to Applied Personal Financial Literacy (One-Half Credit), Adopted 2026); or

(II) §113.76 of this title (relating to Personal Financial Literacy and Economics) until §113.26 of this title is implemented; and

(ii) one credit must be selected from the following:

(I) World History Studies;

(II) World Geography Studies; or

(III) Foundations of Economics.

(D) For students who entered Grade 9 prior to the 2026-2027 school year:

(i) one-half credit must be selected from the following:

(I) Economics with Emphasis on the Free Enterprise System and Its Benefits; or

(II) Personal Financial Literacy/Economics; and

(ii) one credit must be selected from the following:

(I) World History Studies; or

(II) World Geography Studies.

(E) A comparable AP or IB social studies course selected from Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies) or an advanced level course offered as dual credit as referenced in §74.11(i) of this title (relating to High School Graduation Requirements) that does not count toward another credit required for graduation may satisfy a credit identified in subparagraphs (A), (B), (C), or (D) of this paragraph.

(5) Languages other than English (LOTE)--two credits.

(A) The credits may be selected from the following:

(i) any two levels in the same language, including comparable AP or IB language courses that do not count toward another credit required for graduation; or

(ii) two credits in computer programming languages, including computer coding, to be selected from Computer Science I, II, and III, AP Computer Science Principles, AP Computer Science A, IB Computer Science Standard Level, and IB Computer Science Higher Level.

(B) A single two-credit IB LOTE course may only satisfy one LOTE requirement.

(C) If a student, in completing the first credit of LOTE, demonstrates that the student is unlikely to be able to complete the second credit, the student may substitute another appropriate course as follows:

(i) Special Topics in Language and Culture;

(ii) World History Studies or World Geography Studies for a student who is not required to complete both by the local district;

(iii) another credit selected from Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English); or

(iv) computer programming languages, including computer coding.

(D) The determination regarding a student's ability to complete the second credit of LOTE must be agreed to by:

(i) the teacher of the first LOTE credit course or another LOTE teacher designated by the school district, the principal or designee, and the student's parent or person standing in parental relation;

(ii) the student's admission, review, and dismissal (ARD) committee if the student receives special education services under the TEC, Chapter 29, Subchapter A; or

(iii) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, Section 794) if the student does not receive special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.

(E) A student, who due to a disability, is unable to complete two credits in the same language in a language other than English, may substitute a combination of two credits that are not being used to satisfy another specific graduation requirement selected from English language arts, mathematics, science, or social studies or two credits in career and technical education for the LOTE credit requirements. The determination regarding a student's ability to complete the LOTE credit requirements will be made by:

(i) the student's ARD committee if the student receives special education services under the TEC, Chapter 29, Subchapter A; or

(ii) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, Section 794) if the student does not receive special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.

(F) A student who successfully completes a dual language immersion/two-way or dual language immersion/one-way program in accordance with §89.1210(d)(3) and (4) of this title (relating to Program Content and Design), §89.1227 of this title (relating to Minimum Requirements for Dual Language Immersion Program Model), and §89.1228 of this title (relating to Two-Way Dual Language Immersion Program Model Implementation) at an elementary school may satisfy one credit of the two credits required in a language other than English.

(i) To successfully complete a dual language immersion program, a student must:

(I) have participated in a dual language immersion program for at least five consecutive school years;

(II) achieve high levels of academic competence as demonstrated by performance of meets or masters grade level on both the mathematics and reading State of Texas Assessments of Academic Readiness (STAAR®) in English or Spanish, as applicable, in at least one grade level; and

(III) achieve proficiency in both English and a language other than English as demonstrated by scores of proficient or higher in the reading and speaking domains on language proficiency or achievement tests in both languages.

(ii) The second credit of a language other than English must be in the same language as the successfully completed dual language immersion program.

(G) A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English.

(6) Physical education--one credit.

(A) The required credit may be selected from one full credit or a combination of two half credits from two different courses from the following courses:

(i) Lifetime Fitness and Wellness Pursuits;

(ii) Lifetime Recreation and Outdoor Pursuits; and

(iii) Skill-Based Lifetime Activities.

(B) In accordance with local district policy, the required credit may be earned through completion of any Texas essential knowledge and skills-based course that meets the requirement in subparagraph (E) of this paragraph for 100 minutes of moderate to vigorous physical activity per five-day school week and that is not being used to satisfy another specific graduation requirement.

(C) In accordance with local district policy, credit for any of the courses listed in subparagraph (A) of this paragraph may be earned through participation in the following activities:

(i) Athletics;

(ii) Junior Reserve Officer Training Corps (JROTC); and

(iii) appropriate private or commercially sponsored physical activity programs conducted on or off campus. The district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions.

(I) Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

(II) Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

(D) In accordance with local district policy, up to one credit for any one of the courses listed in subparagraph (A) of this paragraph may be earned through participation in any of the following activities:

(i) Drill Team;

(ii) Marching Band; and

(iii) Cheerleading.

(E) All substitution activities allowed in subparagraphs (B)-(D) of this paragraph must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

(F) Credit may not be earned more than once for the courses identified in subparagraph (A)(i) and (iii) of this paragraph. Credit may not be earned more than twice for the course identified in subparagraph (A)(ii) of this paragraph. No more than four substitution credits may be earned through any combination of substitutions allowed in subparagraphs (B)-(D) of this paragraph.

(G) A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit (English language arts, mathematics, science, or social studies) or a course that is offered for credit as provided by the TEC, §28.002(g-1), for the physical education credit requirement. The determination regarding a student's ability to participate in physical activity will be made by:

(i) the student's ARD committee if the student receives special education services under the TEC, Chapter 29, Subchapter A;

(ii) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, Section 794) if the student does not receive special education services under the TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973; or

(iii) a committee established by the school district of persons with appropriate knowledge regarding the student if each of the committees described by clauses (i) and (ii) of this subparagraph is inapplicable. This committee shall follow the same procedures required of an ARD or a Section 504 committee.

(7) Fine arts--one credit.

(A) The credit may be selected from the following courses subject to prerequisite requirements:

(i) Art, Level I, II, III, or IV;

(ii) Dance, Level I, II, III, or IV;

(iii) Music, Level I, II, III, or IV;

(iv) Music Studies;

(v) Theatre, Level I, II, III, or IV;

(vi) Musical Theatre, Level I, II, III, or IV;

(vii) Technical Theatre, Level I, II, III, or IV;

(viii) IB Film Standard or Higher Level;

(ix) Floral Design;

(x) Digital Art and Animation; and

(xi) 3-D Modeling and Animation.

(B) In accordance with local district policy, credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled. The district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in fine arts. Approval may be granted if the fine arts program provides instruction in the essential knowledge and skills identified for a fine arts course as defined by Chapter 117, Subchapter C, of this title (relating to High School).

(c) Elective courses--five credits. The credits must be selected from the list of courses specified in §74.11(g) or (h) of this title or from a locally developed course or activity developed pursuant to the TEC, §28.002(g-1), for which a student may receive credit and that does not satisfy a specific course requirement.

(d) Substitutions. No substitutions are allowed in the Foundation High School Program, except as specified in this chapter.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 10, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
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For further information, please call: (512) 475-1497

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SUBCHAPTER C. OTHER PROVISIONS

19 TAC §74.27

The State Board of Education (SBOE) adopts an amendment to §74.27, concerning innovative courses and programs. The amendment is adopted with changes to the proposed text as published in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1243) and will be republished. The adopted amendment updates the process for review and approval of proposed innovative courses and sunset of existing courses and updates requirements for implementation of approved innovative courses.

REASONED JUSTIFICATION: After the SBOE adopted new rules concerning graduation requirements, the previously approved experimental courses were phased out as of August 31, 1998. Following the adoption of the Texas Essential Knowledge and Skills (TEKS), school districts now submit requests for innovative course approval for courses that do not have TEKS. The process outlined in §74.27 provides authority for the SBOE to approve innovative courses. Each year, the Texas Education Agency (TEA) provides the opportunity for school districts and other entities to submit applications for proposed innovative courses. TEA staff works with applicants to fine tune their applications, which are then submitted to the Committee on Instruction for consideration.

At the June 2023 meeting, the Committee on Instruction discussed an amendment to §74.27 to add a provision for the sunset of innovative courses that meet certain criteria. The board approved for second reading and final adoption the proposed amendment to §74.27 at its August-September 2023 meeting. At the November 2023 SBOE meeting, the board approved for second reading and final adoption the proposed amendment to §74.27, which included as a criterion for consideration for sunset a provision that a course must have been approved for at least three years and meet at least one additional criteria. When TEA staff filed the rule as adopted with the *Texas Register*, the filing did not include the provision that a course must have been approved for at least three years and meet at least one additional criteria to be considered for sunset. The amendment became effective February 18, 2024. In order to correct the error made by TEA, the board adopted an additional amendment effective November 10, 2024.

At the September 2025 meeting, the Committee on Instruction discussed the innovative course approval process and asked TEA staff to prepare a possible amendment to the rule for the committee to consider. At the November 2025 SBOE meeting, a proposed amendment to §74.27 was presented for first reading and filing authorization to the Committee on Instruction and recommended for SBOE approval. Due to a procedural error, the item was not approved by the SBOE at its general meeting. The proposed amendment to §74.27 was approved by the SBOE for first reading and filing authorization at its January 2026 meeting. At the April 2026 meeting, the board temporarily approved the proposed amendment to §74.27 for second reading and final adoption contingent upon approval by the Committee on Instruction within 60 days. At a special called meeting on April 21, 2026, the Committee on Instruction postponed second reading and final adoption of the proposed amendment to §74.27 until the June 2026 meeting.

The adopted amendment sets more specific criteria for a course to be considered by the board as an innovative course; establishes new timelines for SBOE action related to innovative courses; clarifies requirements related to instructional materials for innovative courses; and adjusts requirements for implementation of approved innovative courses.

The following changes were made since approved for first reading and filing authorization.

Subsection (a)(2)(A) was amended by changing the proposed application window from occurring every two years for new courses to occurring every year.

Subsection (a)(10) was amended by increasing the number of sunset criteria a course must meet to be considered for sunset from one to two.

The SBOE approved the amendment for first reading and filing authorization at its January 30, 2026 meeting and for second reading and final adoption at its June 26, 2026 meeting.

In accordance with TEC, §7.102(f), the SBOE approved the amendment for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2027-2028 school year. The earlier effective date will allow for adjustments to be made, as necessary, to the process to be used for consideration of innovative courses in future school years. The effective date is August 1, 2026.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began February 27, 2026, and ended at 5:00 p.m. on March 30, 2026. The SBOE also provided an opportunity for registered oral and written comments at its April 2026 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of public comments received and corresponding responses.

Comment. One parent expressed concern that innovative courses could be used in place of career and technical education (CTE) courses for students in self-contained classrooms. The commenter suggested limiting innovative courses to areas of specialized student need such as "Independent Living" to ensure CTE is prioritized where appropriate.

Response. The SBOE disagrees that innovative courses should be limited to only courses that apply to specialized groups of students. The SBOE took action to approve §74.27(a)(1) as proposed to establish that in addition to a specialized group of students such as students with disabilities or gifted/talented students, innovative courses may also address documented student needs, generalized skills that prepare students for college and career, or a need identified in an emerging CTE field or regional program of study.

Comment. One community member expressed concern that subjecting a course to sunset review a year after the arduous renewal process is discouraging and could limit opportunities for students who rely on these courses.

Response. The SBOE provides the following clarification. The application renewal process does not exempt a course from consideration for sunset review. However, in response to this and other public comments, the SBOE took action to amend §74.27(a)(10) at adoption to increase the number of sunset criteria a course must meet to be considered for sunset from one to two.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code, §28.002(f), which authorizes local school districts to offer courses in addition to those in the required curriculum for local credit and requires the State Board of Education to be flexible in approving a course for credit for high school graduation.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §28.002(f).

§74.27. Innovative Courses and Programs.

(a) A school district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum. After the State Board of Education (SBOE) approves an application for a new course or a renewal, a district shall obtain local board approval prior to offering the course.

(1) The SBOE may approve discipline-based courses in the foundation or enrichment curriculum and courses that do not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates at least one of the following:

(A) is academically rigorous and addresses documented student needs;

(B) applies to a specialized group of students such as students with disabilities or gifted/talented students;

(C) is content agnostic and supports generalized skills that prepare students for career and/or college; or

(D) a need is identified in an emerging career and technical education (CTE) field or related to a regional program of study for a course that does not already exist as a Texas Essential Knowledge and Skills (TEKS)-based course.

(2) The SBOE shall take action related to innovative courses on the following timelines.

(A) An application window shall be made available every year for new courses.

(B) For existing courses, at the appropriate three-year or four-year mark as described by paragraph (8) of this subsection, the SBOE shall:

(i) invite the applicant to submit updates to be considered as part of a renewal;

(ii) set the course for expiration; or

(iii) initiate a process for the course to become a TEKS-based course.

(C) Notice of an upcoming application opportunity shall be published on the SBOE website at least six months in advance of the start of the application window.

(D) Applications for new courses and renewals shall be posted on the Texas Education Agency (TEA) website for public comment at least 30 days prior to SBOE action.

(E) Applications for new courses and renewals shall be approved not later than the January SBOE meeting for implementation of a course in the subsequent school year.

(3) Applications shall not be approved if the proposed course significantly duplicates the content of a TEKS-based course or can reasonably be taught within an existing TEKS-based course.

(4) To request approval from the SBOE, the applying school district or organization must submit a request for approval, including the following information, within the window designated by the SBOE:

(A) a description of the course and its essential knowledge and skills;

(B) the rationale and justification for the request in terms of student need;

(C) data that demonstrates successful piloting of the course in Texas;

(D) the methods of evaluating student outcomes;

(E) the qualifications of the teacher;

(F) any training required in order to teach the course and any associated costs;

(G) the amount of credit requested; and

(H) a copy of or electronic access to any teacher resources and student-facing instructional materials required to teach the course.

(5) To request approval for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.

(6) To request approval of a new innovative course, the applying school district or organization must submit with its request for approval evidence that the course has been successfully piloted in its entirety in at least one school in the state of Texas.

(7) The requirements of paragraphs (4)(C) and (6) of this subsection do not apply to the consideration of a course developed to support a program of study in career and technical education.

(8) Newly approved innovative courses shall be approved for a period of three years, and courses approved for renewal shall be approved for a period of four years.

(9) Following SBOE approval, with the approval of the local board of trustees, a school district may offer, without changes or deletions to the approved standards and instructional materials, any state-approved innovative course.

(10) TEA shall review all approved innovative courses once every year and provide for consideration for sunset a list of innovative courses that have been approved as an innovative course for at least three years and meet at least two of the following criteria:

(A) zero enrollment for the previous two years;

(B) average enrollment of less than 100 students statewide for the previous three years;

(C) student enrollment at an average of fewer than 20 districts or charter schools statewide for the previous three years;

(D) duplicative of another innovative or TEKS-based course; or

(E) approved for implementation as a TEKS-based course.

(b) An ethnic studies course that has been approved by the SBOE as an innovative course shall be considered by the SBOE at a subsequent meeting for inclusion in the TEKS.

(1) Only comprehensive ethnic studies courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies, inclusive of history, government, economics, civic engagement, culture, and science and technology, shall be considered by the SBOE.

(2) The chair of the Committee on Instruction, in accordance with SBOE Operating Rule 2.5(b), shall collaborate with the board chair to place the item on the next available Committee on Instruction agenda following SBOE approval of the innovative course.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Texas Education Agency
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PART 7. STATE BOARD FOR EDUCATOR CERTIFICATION

CHAPTER 227. PROVISIONS FOR EDUCATOR PREPARATION CANDIDATES

SUBCHAPTER A. ADMISSION TO EDUCATOR PREPARATION PROGRAMS

The State Board for Educator Certification (SBEC) adopts amendments to 19 Texas Administrative Code (TAC) §§227.5, 227.10, 227.15, 227.17, and 227.19; new §227.6; and the repeal of §227.20, concerning admission to educator preparation programs (EPPs). The amendments to §§227.5, 227.10, 227.17, and 227.19; new §227.6; and the repeal of §227.20 are adopted without changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1495) and will not be republished. Section 227.15 is adopted with changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1495) and will be republished. The adopted revisions update current requirements for candidate admission into EPPs to align with adopted revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, and 19 TAC Chapter 230, Professional Educator Preparation and Certification, which are published in the Adopted Rules section of this issue. The adopted revisions implement House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025.

REASONED JUSTIFICATION: The SBEC rules in 19 TAC Chapter 227 are organized as follows: Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility. These subchapters establish requirements for admission into an EPP and preliminary evaluation of certification eligibility.

Requirements in Subchapter A, Admission to Educator Preparation Programs, ensure that EPPs attract and admit applicants who demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of Texas.

At the September 19 and December 4-5, 2025 meetings, the SBEC discussed potential updates to 19 TAC Chapter 227 to align with revisions made to 19 TAC Chapters 228 and 230 and to implement HB 2, 89th Texas Legislature, 2025. The updates to 19 TAC Chapter 227 discussed included definitions, admission requirements for the Residency route, and contingency and formal admission requirements.

In response to subsequent updates in 19 TAC Chapter 228, additional refinements and revisions were adopted related to admissions requirements for other routes and to existing rules for clarity. Technical edits were also adopted to conform to *Texas Register* style requirements.

The following is a description of the adopted revisions to 19 TAC Chapter 227, Subchapter A.

Subchapter A, Admission to Educator Preparation Programs

§227.5. Definitions

The adopted amendments to §227.5 include the addition of definitions for Classroom Teacher, Late Hire, Partnership Preservice Program, Preparing and Retaining Educators Through Partnership (PREP) Program, PREP Alternative Preservice Program, PREP Residency Preservice Program, PREP Traditional Preservice Program, School Year, and Teacher of Record to align with requirements established by HB 2. The late hire definition was further updated to add the phrase "...and requires additional time to complete the pre-internship requirements" to clearly distinguish between a candidate who was hired late and did not complete pre-service requirements from a candidate who may have been hired late but who finished pre-service requirements prior to internship. Numbering of definitions was adjusted to accommodate the new definitions.

The adopted amendment to §227.5(1), Accredited Institution of Higher Education, increases clarity and consistency.

The adopted amendment to §227.5(2), Alternative Certification Route, clarifies and aligns the definition with requirements established by HB 2.

The adopted amendment to §227.5(6), Certification Class, clarifies the certification classes offered by EPPs.

Adopted new §227.5(7) adds a definition for Classroom Teacher and aligns with 19 TAC Chapter 228.

The adopted amendment to §227.5(8), Clinical Teaching, updates the definition to align with the revised definition in 19 TAC Chapter 228.

The adopted amendment to §227.5(11), Contingency Admission, removes the term "conditional" from the definition of Contingency Admission for clarity and consistency.

The adopted amendment to §227.5(12), updates the definition of EPP for clarity.

Adopted new §227.5(14), Graduate Degree, adds clarity to degree requirements for admissions.

The adopted amendment to §227.5(18), Post-Baccalaureate Program, realigns the definition as applicable to a route that includes candidates pursuing certification in classes other than classroom teacher at university-based EPPs. This amendment allows for the realignment of the Traditional route to include candidates in the Teacher class who are pursuing initial teacher certification concurrent with a graduate degree that is a result of new routes identified in HB 2.

Adopted new §227.5(26), Traditional Route, distinguishes the route as separate from the PREP Traditional route defined in §227.22 to align routes with those identified in HB 2.

§227.6. Implementation Date and §227.20. Implementation Date

The adopted revisions to the admission requirements in Chapter 227 specify that the requirements should be effective for applicants admitted into EPPs on or after the date the requirements are effective. The adopted repeal of §227.20 and new §227.6 align with formatting in 19 TAC Chapter 228.

§227.10. Admission Criteria

The adopted amendment to §227.10(a)(1) clarifies that candidates seeking a degree concurrent with certification must be enrolled in the university and aligns the route with new routes identified in HB 2.

The adopted amendment to §227.10(a)(2) clarifies the degree required at admission based on the new routes identified in HB 2 and adds further clarity by aligning with existing admission requirements for the Superintendent class in §242.5, Minimum Requirements for Admission to a Superintendent Preparation Program.

The adopted amendment to §227.10(a)(3)(A) and (B) maintains the statutory requirement in TEC, §21.0441, requiring a 2.50 GPA at minimum but updates the language for clarity and to more closely align with the language in the statute for operational flexibility. The updates further refine the language in the rule to align with new routes identified in HB 2.

A refinement to adopted §227.10(a)(3)(C) clarifies the CTE certificate categories that are exempt from the minimum GPA requirement. The adopted amendment to §227.10(a)(3)(D) clarifies the GPA requirement.

The adopted amendment to §227.10(a)(7) aligns the language with the new route requirements identified in HB 2.

The adopted amendment to §227.10(a)(8) and adopted new subsection (a)(9) separate the application submission and screening processes related to admission criteria. Adopted new subsection (a)(9) adds clarity to and elevates quality in requirements for the applicant screening process. Adopted new paragraph (9) resulted in shifting the numbering of the subsequent paragraph to paragraph (10).

Adopted new §227.10(b) aligns with the statutory requirements in TEC, §21.04422(b)(1), related to recruiting and admissions for SBEC-approved Residency programs; requires that EPPs use research-based best practices for recruiting and admitting candidates into a Residency route; elevates the Residency partnership experience by encouraging EPPs in partnerships to provide counseling and support for applicants to consider pursuing certification in areas that support partner local education agency (LEA) hiring needs. Adopted new §227.10(b) shifts the citations following the additions.

Adopted new §227.10(d)(3) and §227.10(e) support transparency for applicants to, and candidates in, EPPs regarding expiring certification examinations and/or certificates so that candidates are informed of expiration deadlines and can plan to complete preparation requirements efficiently to meet expiration deadlines.

The adopted amendment to §227.10(g) clarifies the language related to admission requirements for applicants seeking certification in Trade and Industrial Workforce Training: Grades 6-12.

The adopted amendment to §227.10(i)(4) updates the list of certificates that include certification in early childhood that qualify for admission into the Early Childhood: Prekindergarten-Grade 3 certificate area seeking additional training required in Chapter 228 for certification-by-examination purposes. The addition of one certificate category required renumbering.

§227.15. Contingency Admission

The adoption, including §227.15(a) and (e), addresses updates to preparation routes to align with new routes identified in HB 2 and refines some existing language for clarity.

The adopted amendment to §227.15(c) clarifies the process EPPs use to notify the Texas Education Agency (TEA) of a candidate's contingency admission into the EPP.

The adopted amendment to §227.15(d) clarifies that EPPs that contingently admit candidates must collect an official transcript to verify the degree has been conferred.

At adoption, the amendment to §227.15(f) was updated to reflect the equivalent of a standard semester, which is identified as 16 weeks because the common calendar is no longer maintained by the Texas Higher Education Coordinating Board effective November 2024.

At adoption, new §227.15(g) was updated to clarify the consequence for a contingently admitted candidate if the required degree does not confer as expected as required in §227.15(f).

§227.17. Formal Admission

The adoption, including §227.17(f), addresses updates to preparation routes in alignment with new routes identified in HB 2 and refines some existing language for clarity.

The adopted amendment to §227.17(e) clarifies the process EPPs use to notify the TEA of a candidate's formal admission into the EPP.

§227.19. Incoming Class Grade Point Average

The adoption addresses updates to preparation routes in alignment with new routes identified in HB 2 and aligns revisions with the GPA language referenced in §227.10(a)(3).

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began March 13, 2026, and ended April 13, 2026. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comment was received on the proposal.

Comment: An associate principal expressed general support for high-quality educator preparation and mentorship but raised concerns about implementation capacity, provider availability, and quality assurance related to mentorship training. The comments did not oppose the proposed admission requirements.

Response: The SBEC disagrees. While the SBEC agrees with the importance of quality mentorship, mentorship training requirements and implementation timelines are addressed in Chapter 228. The proposed revisions in 19 TAC Chapter 227 focus on candidate admission criteria and alignment with statutory preparation routes.

The State Board of Education (SBOE) took no action on the review of the amendments to §227.5, 227.10, 227.15, 227.17, and 227.19; new §227.6; and the repeal of §227.20 at the June 26, 2026 SBOE meeting.

19 TAC §§227.5, 227.6, 227.10, 227.15, 227.17, 227.19

STATUTORY AUTHORITY. The amendments and new section are adopted under Texas Education Code (TEC), §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state; TEC, §21.041, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide an exemption from the requirements of Texas Government Code, §2001.0045; TEC, §21.044(a), which requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; TEC, §21.044(g)(2) and (3), which requires each EPP to provide certain information related to the effect of supply and demand forces on the educator workforce of the state and the performance over time of the EPP; TEC, §21.0441, which requires the SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.04422, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to propose rules for recruiting and admitting candidates into the Teacher Residency Preparation route; TEC, §21.0489(c), which requires the SBEC to adopt rules establishing eligibility requirements for an Early Childhood: Prekindergarten-Grade 3 certificate; TEC, §21.049(a), which authorizes the SBEC to propose rules providing for educator certification programs as an alternative to traditional EPPs; TEC, §21.050(a), which requires a person who applies for a teaching certificate for which SBEC rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under the TEC, Chapter 28, Subchapter A; Texas Occupations Code (TOC), §53.105, which specifies that a licensing authority may charge a person requesting an evaluation under the TOC, Chapter 53, Subchapter D, a fee adopted by the authority. Fees adopted by a licensing authority under the TOC, Chapter 53, Subchapter D, must be in an amount sufficient to cover the cost of administering this subchapter; TOC, §53.151, which sets the definitions of "licensing authority" and "occupational license" to have the meanings assigned to those terms by the TOC, §58.001; TOC, §53.152, which requires EPPs to provide applicants and enrollees certain notice regarding potential ineligibility for a certificate based on convicted offenses, the SBEC rules concerning the certificate eligibility of an individual with a criminal history, and the right of the individual to request a criminal history evaluation letter; and TOC, §53.153, which requires an EPP to refund tuition, application fees, and examination fees paid by an individual if the EPP failed to provide the required notice under the TOC, §53.152, to an individual who was denied a certificate because the individual was convicted of an offense.

CROSS REFERENCE TO STATUTE. The amendments and new section implement Texas Education Code, §§21.031; 21.041; 21.041(e), as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a) and (g)(2) and (3); 21.0441; 21.04422, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0489(c); 21.049(a); 21.050(a); and Texas Occupations Code, §§53.105 and 53.151-53.153.

§227.15. Contingency Admission.

(a) An applicant may be accepted into an alternative certification program preparing candidates in any certification class or a post-baccalaureate program preparing candidates in a class other than teacher on a contingency basis pending receipt of an official transcript showing the degree required for admission, as specified in §227.10(a)(1) and (2) of this title (relating to Admission Criteria), has been conferred, provided that:

(1) the applicant is currently enrolled in and expects to complete the courses and other requirements for obtaining the minimum degree required for admission at the end of the semester in which admission to the program is sought;

(2) all other admission requirements specified in §227.10 of this title have been met;

(3) the educator preparation program (EPP) must notify the applicant of the offer of contingency admission in writing by mail, personal delivery, facsimile, email, or an electronic notification; and

(4) the applicant must accept the offer of contingency admission in writing by mail, personal delivery, facsimile, email, or an electronic notification.

(b) The effective date of contingency admission shall be included in the offer of contingency admission.

(c) An EPP must notify the Texas Education Agency within seven calendar days of a candidate's contingency admission by creating an admission record in the Educator Certification Online System (ECOS) for that entity.

(d) An applicant admitted on a contingency basis may begin program training and may be approved to take a certification examination but shall not be recommended for an intern or a probationary certificate until the EPP verifies on an official transcript that the required degree has been conferred.

(e) Except as provided by this section, an alternative certification program or post-baccalaureate program, prior to admission on a contingency basis, shall not provide coursework, training, and/or examination approval to an applicant that leads to initial certification in any class of certificate. A program within a university-based EPP may admit an applicant if coursework and training was provided by the same institution of higher education (IHE) as part of:

(1) the degree to be conferred;

(2) prerequisite courses for a degree leading to initial certification; or

(3) a different program of study.

(f) An applicant to an EPP may be admitted contingently within 16 weeks of completing requirements for the degree required for admission.

(g) The EPP must collect an official transcript that reflects the required degree has been conferred. If the required degree is not conferred, the candidate must be removed from the EPP.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 13, 2026.

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State Board for Educator Certification
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For further information, please call: (512) 475-1497

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19 TAC §227.20

STATUTORY AUTHORITY. The repeal is adopted under Texas Education Code (TEC), §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state; TEC, §21.041, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide an exemption from the requirements of Texas Government Code, §2001.0045; TEC, §21.044(a), which requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; TEC, §21.044(g)(2) and (3), which requires each EPP to provide certain information related to the effect of supply and demand forces on the educator workforce of the state and the performance over time of the EPP; TEC, §21.0441, which requires the SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.04422, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to propose rules for recruiting and admitting candidates into the Teacher Residency Preparation route; TEC, §21.0489(c), which requires the SBEC to adopt rules establishing eligibility requirements for an Early Childhood: Prekindergarten-Grade 3 certificate; TEC, §21.049(a), which authorizes the SBEC to propose rules providing for educator certification programs as an alternative to traditional EPPs; TEC, §21.050(a), which requires a person who applies for a teaching certificate for which SBEC rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under the TEC, Chapter 28, Subchapter A; Texas Occupations Code (TOC), §53.105, which specifies that a licensing authority may charge a person requesting an evaluation under the TOC, Chapter 53, Subchapter D, a fee adopted by the authority. Fees adopted by a licensing authority under the TOC, Chapter 53, Subchapter D, must be in an amount sufficient to cover the cost of administering this subchapter; TOC, §53.151, which sets the definitions of "licensing authority" and "occupational license" to have the meanings assigned to those terms by the TOC, §58.001; TOC, §53.152, which requires EPPs to provide applicants and enrollees certain notice regarding potential ineligibility for a certificate based on convicted offenses, the SBEC rules concerning the certificate eligibility of an individual with a criminal history, and the right of the individual to request a criminal history evaluation letter; and TOC, §53.153, which requires an EPP to refund tuition, application fees, and examination fees paid by an individual if the EPP failed to provide the required notice under the TOC, §53.152, to an individual who was denied a certificate because the individual was convicted of an offense.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§21.031; 21.041; 21.041(e), as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a) and (g)(2) and (3); 21.0441; 21.04422, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0489(c); 21.049(a); 21.050(a); and Texas Occupations Code, §§53.105 and 53.151-53.153.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 228. REQUIREMENTS FOR EDUCATOR PREPARATION PROGRAMS

The State Board for Educator Certification (SBEC) adopts amendments to 19 Texas Administrative Code (TAC) §§228.2, 228.6, 228.15, 228.25, 228.31, 228.33, 228.35, 228.41, 228.43, 228.45, 228.55, 228.57, 228.61, 228.63, 228.65, 228.67, 228.73, 228.79, 228.81, 228.91, 228.93, 228.95, 228.97, 228.101, 228.105, 228.107, 228.109; the repeal of §228.39 and §228.71; and new §228.68, concerning requirements for educator preparation programs (EPPs). The amendments to §§228.2, 228.6, 228.15, 228.25, 228.33, 228.41, 228.43, 228.45, 228.57, 228.61, 228.63, 228.65, 228.67, 228.79, 228.91, 228.93, 228.95, 228.97, 228.101, 228.105, 228.107, 228.109; the repeal of §228.39 and §228.71; and new §228.68 are adopted without changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1503) and will not be republished. Sections 228.31, 228.35, 228.55, 228.73, and 228.81 are adopted with changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1503) and will be republished. The rules provide requirements and definitions as applicable to support EPPs and candidates in the successful implementation of these rules. The adopted revisions implement House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025.

REASONED JUSTIFICATION: The SBEC rules in 19 TAC Chapter 228 establish the requirements for EPPs. HB 2, 89th Texas Legislature, Regular Session, 2025, introduced significant educator preparation reforms, including the Preparing and Retaining Educators Through Partnership (PREP) Allotment. PREP strengthens teacher recruitment, preparation, and mentorship, requiring SBEC to define new preparation routes, training standards, and quality review processes for EPPs.

At the September and December 2025 meetings, the SBEC had preliminary discussions on potential revisions to Chapter 228 to implement HB 2. The recommendations discussed were informed by legislative changes and stakeholder feedback. The following adopted revisions to 19 TAC Chapter 228, Subchapters A-F, incorporate both SBEC and stakeholder input. Technical edits such as updating cross references are also adopted to conform to *Texas Register* style requirements.

Subchapter A, General Guidance

§228.2. Definitions

The adopted revisions to §228.2 include updates to the definitions for alternative certification route, classroom teacher, cooperating teacher, formal admission, late hire, and post-baccalaureate program and clarify existing definitions or align the definitions with new route requirements in HB 2. The late hire definition was further updated to add the phrase "...and requires additional time to complete the pre-internship requirements" to clearly distinguish between a candidate who was hired late and did not complete pre-service requirements from a candidate who may have been hired late but who finished pre-service requirements prior to internship.

Adopted new §228.2(40) and (46)-(50) add definitions for Partnership Preservice Program, Preparing and Retaining Educators Through Partnership (PREP), PREP Alternative Preservice Program, PREP Grow Your Own Program, PREP Residency Preservice Program, and PREP Traditional Preservice Program to define new PREP routes that will impact EPPs' and their candidates' participation in PREP allotments identified in HB 2.

Adopted new §228.2(64) adds a definition for traditional route and clarifies that an EPP may have two traditional routes, the PREP traditional route in adopted new §228.2(50), which qualifies for the PREP allotment, and the traditional route in adopted new §228.2(64), which does not.

Adopted new §228.2(6) and (60) add definitions for asynchronous coursework and synchronous coursework, respectively, to provide guidance to EPPs to meet requirements in HB 2 that PREP programs and traditional programs must deliver coursework synchronously or be approved to offer coursework asynchronously.

The adopted amendments to §228.2(16), related to clock hours, and §228.2(19), related to cooperating teacher, add the new pre-internship clinical teaching requirement as part of the new preservice alternative certification route identified in HB 2.

The adoption strikes §228.2(10), related to candidate coach, and paragraph (33), related to intensive preservice, due to the adopted repeal of §228.39, Intensive Preservice, to provide for the new preservice alternative certification route identified in HB 2.

Adopted new §228.2(34) defines intern mentor teacher to distinguish a mentor that is supporting candidates in EPPs who are completing internships. This adopted new definition accommodates PREP Mentorship Program and rule updates in 19 TAC Chapter 153, School District Personnel.

The adopted revision to §228.2(39) strikes the definition for mentor and replaces it with a definition of mentoring educators to provide for a collective term for the variety of roles of campus support personnel, including cooperating teachers, host teachers, mentor teachers, and intern mentor teachers. This adopted revision accommodates PREP Mentorship Program and rule updates in Chapter 153.

§228.6. Implementation Date

The adopted updates to the implementation of requirements in this chapter include adding pre-internship clinical teaching to the list of assignments requiring formal observations that are required to be completed and reported by the EPP. The references to the formal observation requirements in §228.6(1)(A) were adjusted as a result of adopted revisions to those sections but the implementation requirements for formal observations are maintained. While the rule text maintains the transition runway for phasing out training under Legacy Chapter 228 with a deadline of August 31, 2026, an effective date was added for rules that specify the candidate must meet the requirements in this chapter that were in effect at the time the candidate was admitted into the EPP.

Subchapter B, Approval of Educator Preparation Programs

§228.15. Additional Approval

The adopted amendment to §228.15(b) requires the EPP seeking approval to implement an SBEC-approved residency program must include evidence of compliance with Chapter 227, Provisions for Educator Preparation Candidates, and addresses the addition of a statutory requirement for admission of candidates to the residency route.

The adopted revisions to §228.15(b)(1) provide the application process and requirements for previously approved residency programs to meet SBEC approval for the residency route in 2027-2028. Adopted new Figure: 19 TAC §228.15(b)(1) provides evidence needed by the EPP in the application process in 2027-2028.

The adopted revisions to §228.15(b)(2) and (3) incorporate the application process for the addition of new residency requirements related to HB 2 beginning 2028-2029 and application process and requirements for new residency program applicants. Revisions also reinforce that an EPP cannot be approved to offer a residency route if the EPP's accreditation status is Accredited Probation. Adopted new Figure: 19 TAC §228.15(b)(2) provides evidence needed by the EPP in the application process beginning 2028-2029.

The adopted amendment to §228.15(b)(4) and adopted new §228.15(b)(5) provide detail on how EPPs are held accountable for meeting ongoing requirements of an approved residency route.

Adopted new §228.15(c)(1)-(5) provide application requirements for SBEC approval of a preservice alternative certification route to mirror the application process and EPP accountability identified in §228.15(b) for an SBEC-approved residency. Adopted new Figure: 19 TAC §228.15(c)(1) provides evidence needed by the EPP in the application process for 2027-2028 approval.

Adopted new Figure: 19 TAC §228.15(c)(2) provides evidence needed by the EPP in the application process for 2028-2029 SBEC approval.

Adopted new §228.15(d)(1)-(5) add application requirements for SBEC approval of a PREP traditional route to mirror the application process and EPP accountability identified in §228.15(b) for an SBEC-approved residency and in adopted new §228.15(c)(1)-(5) for an SBEC approved preservice alternative certification route. Adopted new Figure: 19 TAC §228.15(d)(1) provides evidence needed by the EPP in the application process for 2027-2028 SBEC approval. Adopted new Figure: 19 TAC §228.15(d)(2) provides evidence needed by the EPP in the application process for 2028-2029 SBEC approval.

Adopted new §228.15(g) provides guidance for EPPs to apply for TEA approval to offer asynchronous coursework for routes that require coursework to be delivered synchronously, as established by HB 2.

Subchapter C, Administration and Governance of Educator Preparation Programs

§228.25. Governance of Educator Preparation Programs

Adopted new §228.25(e) provides guidance to EPPs approved to offer PREP traditional and preservice alternative certification routes related to the duration and quality of collaboration with partner local education agencies (LEA).

Subchapter D, Required Educator Coursework and Training

§228.31. Minimum Educator Preparation Program Obligations to All Candidates

Adopted new §228.31(d) provides clarification to EPPs that the EPP must maintain qualified instructors to deliver instruction to candidates and that EPP staff providing instruction in required content must apply for, attain, and maintain certification to provide that instruction, as required by HB 2.

Adopted new §228.31(e) implements the statutory requirement that the EPP must comply with the prohibitions and requirements under TEC, §28.0022(a)(1)-(4), related to instructional personnel and coursework. At adoption, a cross reference was updated in subsection (e). At adoption, a cross reference was updated in subsection (e).

§228.33. Preparation Program Coursework and/or Training for All Certification Classes

Adopted new §228.33(d) implements the statutory requirement in HB 2 that the EPP must be approved to offer coursework asynchronously for traditional and PREP traditional, residency, and preservice alternative certification routes.

§228.35. Substitution of Applicable Experience and Training

Adopted new §228.35(b) allows an uncertified teacher that has enrolled in the EPP to secure certification to substitute experience as a teacher of record for the required 50 hours of field-based experience in §228.43. At adoption, language was clarified so that candidates who meet these criteria and were admitted into the EPP on or after September 1, 2024, are eligible.

§228.39. Intensive Pre-Service.

The adopted repeal of §228.35 was necessary to implement the preservice alternative certification route statutorily required by HB 2.

§228.41. Preservice Coursework and Training for Classroom Teacher Candidates

The adopted amendment to §228.41(a)(2) updates the list of pedagogical skills in which candidates must be allowed to pursue proficiency during coursework and training that occurs before the required clinical experience. The adopted revisions align with recently adopted pedagogy standards in Chapter 235, Classroom Teacher Certification Standards.

Adopted new §228.41(b) reinforces that late hire candidates must complete the pre-service coursework and training but provides new flexibility that the requirements must be completed within the first half of the internship instead of the first 90 days.

Adopted new §228.41(c) implements the statutory requirement that candidates in the preservice alternative certification route must complete a portion of the required content from the Texas Reading Academies and Mathematics Achievement Academies to meet the preservice coursework and training requirement prior to beginning the required clinical experience.

§228.43. Preservice Field-Based Experiences for Classroom Teacher Candidates

Adopted new §228.43(a) reinforces the allowance in adopted new §228.35(b) that an uncertified teacher that has enrolled in the EPP to secure certification may substitute experience as a teacher of record for the required 50 hours of field-based experience detailed in this section. Adopted new §228.43(a) reinforces the allowance in adopted new §228.68(h) that a candidate completing the pre-internship clinical practice within the preservice alternative certification route is exempt from the required 50 hours of field-based experience.

§228.45. Coursework and Training Requirements for Early Childhood: Prekindergarten-Grade 3 Certification

The adopted amendment to §228.45(c) updates the term "mentor" to "intern mentor teacher" to align with the new definition of the mentoring educator assigned to support a candidate completing an internship.

§228.55. Late Hire Candidates

The adopted amendment to the requirements in §228.55 reinforces that the late hire candidate may begin the internship under an intern certificate prior to completing the preservice coursework and training required in §228.41 and §228.43. The adopted amendment adds flexibility by allowing the late hire candidate to complete the required coursework and training within the first half of the internship and reinforce the existing requirement that the intern certificate must be deactivated if the candidate does not complete the preservice coursework and training as required. At adoption, the term "two year" was removed since a certificate's validity period is defined in Chapter 230, Professional Educator Preparation and Certification.

§228.57. Educator Preparation Curriculum

Adopted new §228.57(f) adds the curriculum requirements identified in HB 2 and establishes timelines for training content implementation specific to the preservice alternative certification route, the PREP traditional route, and the residency route. It additionally outlines the process for SBEC approval of training content.

Subchapter E, Educator Candidate Clinical Experiences

§228.61. Required Clinical Experiences

Adopted new §228.61(b) integrates the preservice alternative certification route required in HB 2 into the requirements for clinical experiences by adding that a candidate completing requirements in this route must also complete pre-internship clinical teaching, which is further detailed in adopted new §228.68.

§228.63. Locations for Required Clinical Experiences

The adopted amendment to §228.63 updates the list of locations of clinical experiences to integrate the new pre-internship clinical teaching requirement for the preservice alternative certification route and replaces references to the term "mentor" with "intern mentor teacher". The adopted amendment aligns with the requirements identified in HB 2 and related updates in Chapter 153. The adoption also updates the rule for candidates who seek to complete the required clinical experience outside of Texas by removing residency from the options. The residency route requires the EPP and LEA to partner, which is not feasible with school systems outside of Texas.

§228.65. Residency

The adopted amendment to §228.65(a)(3) provides flexibility to residency candidates who are pursuing a disciplinary degree in an educational setting outside of education (such as Biology or Mathematics) concurrent with certification by allowing a reduction of up to 50 clock hours of the residency assignment as needed by the candidate to complete degree requirements. This adopted amendment addresses stakeholder feedback regarding flexibilities needed for candidates earning a disciplinary degree with additional coursework to successfully complete the residency route certification requirements.

The adopted amendment to §228.65(g) clarifies language related to the types of certificates for which a successful residency candidate could qualify.

§228.67. Clinical Teaching

The adopted amendment to §228.67(b)(1) incorporates the new definition of intern mentor teacher.

Adopted new §228.67(b)(4) clarifies that a candidate may not change districts during the clinical teaching experience if the candidate is completing clinical teaching through a PREP traditional program. This revision honors the partnership between the district and the EPP.

The adopted amendment to §228.67(d) clarifies that increased instructional responsibility in clinical teaching includes opportunities for the candidate to lead classroom instruction.

§228.68. Pre-internship Clinical Teaching

Adopted new §228.68 incorporates the structure of the new preservice alternative certification route established by HB 2. The adoption outlines parameters for the "preservice" portion of the route requirement, which is a version of clinical teaching that candidates in this route will complete prior to beginning the internship portion of their training. The adopted requirements include the number of hours of preservice clinical teaching and the activities in which the candidate will engage and the support the candidate will receive during the experience.

Adopted new §228.68(g) carves out that a candidate who has completed a PREP Grow Your Own Program will be exempt from this pre-internship clinical teaching portion of the preservice alternative certification requirements. Adopted new §228.68(h) exempts candidates who complete the pre-internship clinical teaching portion of the preservice alternative certification requirements from the required 50 hours of field-based experiences in §228.41(a)(1).

§228.71. Exceptions to Clinical Teaching Requirement

The adopted repeal of §228.71 aligns with the routes and requirements established by HB 2.

§228.73. Internship

Adopted new §228.73(a) and (b) align the internship as the clinical experience type for candidates pursuing certification through the alternative certification routes and clarify the candidate must hold a conferred bachelor's degree to participate in an internship. The adoption adds a carve out for candidates in an alternative certification route who no longer qualify to complete an internship and thus must complete clinical teaching to finish requirements.

Adopted §228.73(c) and (d) identify the two alternative certification routes required by HB 2 and update language to reflect the type of intern certificate available to each route, including the intern certificate and the new intern with preservice certificate. The adopted amendment also updates the duration and assignment information to clarify that a one-year internship is required for either route and, additionally, establishes that the candidate in the preservice alternative certification route must complete the internship in one district, which honors the partnership for the purpose of qualifying for the PREP allotment. At adoption, the term "two year" was removed since a certificate's validity period is defined in Chapter 230, Professional Educator Preparation and Certification.

The internship extension requirements in adopted §228.73(h) are maintained with added clarification that the intern must not have exhausted the three years of eligibility to extend an internship or complete an additional internship. The clarification further bifurcates the options of extending the internship into a second year if the candidate has additional coursework or other requirements to complete vs. completing an additional internship, which will be required if the candidate's first internship was not successful. This is further detailed in adopted updates to the observation requirements in §228.109(b), which will require formal field supervision for a second internship if the first was unsuccessful but will not require formal supervision if the first internship was successful and the internship is extended to allow the candidate to finish other requirements. The adoption benefits the EPP due to the reduced cost of field supervision and benefits the candidate and district by allowing the candidate to hold an SBEC credential and maintain employment after the successful internship year is complete.

The adoption also updates the term "mentor" to "intern mentor teacher" to align with the change in definition of the mentoring educator supporting candidates in internships.

Adopted §228.73(i) adjusts the certificate deactivation requirements to add the flexibility for late hire candidates to complete pre-service requirements within the first half of the internship instead of the first 90 days of the internship.

Adopted §228.73(j) updates the certificate deactivation rules to align with the updated preservice coursework requirement for late hire candidates adopted in §228.41(b) and §228.55(c) by extending the time frame for completing preservice requirements from the first 90 days to the first half of the internship. The adopted changes to the certificate deactivation requirements in §228.73(j) also adds flexibility to the timeline for EPPs to notify the TEA to deactivate a certificate and address stakeholder feedback that the current timelines are difficult to meet.

§228.79. Exemptions from Required Clinical Experiences for Classroom Teacher Candidates

The adopted amendment to §228.79(b) updates language related to a candidate pursuing certification as a Junior Reserve Officer Training Corps instructor.

§228.81. Clinical Experience for Certification Other Than Classroom Teacher

The adopted amendment to §228.81(c) clarifies the two types of certificates available to candidates pursuing certification in a class other than teacher who meet the requirements for the certificate. The adopted amendment is applicable to candidates who seek to complete a practicum while employed in a role that requires an SBEC credential. At adoption, the term "two year" was removed since a certificate's validity period is defined in Chapter 230, Professional Educator Preparation and Certification.

Subchapter F, Support for Candidates During Required Clinical Experiences

§228.91. Intern Mentor Teachers, Cooperating Teachers, Host Teachers, and Site Supervisors

The adopted amendment to §228.91 updates language throughout this section to change the term "mentor" to "intern mentor teacher" to align with the new definition in §228.2 and apply the term "mentoring educators" when collectively referring to requirements for the campus personnel supporting teacher candidates in clinical experiences. The adopted updates also reflect new requirements established by HB 2, including the addition of the pre-internship clinical experience as a clinical experience that requires a cooperating teacher, and add clarification that a mentoring educator must agree to be assigned to support the candidate during the clinical experience.

The adopted amendment to §228.91(e) and adopted new subsection (f) clarifies training requirements for mentoring educators and site supervisors to add the requirement for PREP routes that mentoring educators must be trained through *Texas Mentorship Training* and provides a timeline for phasing in the *Texas Mentorship Training*.

§228.93. Cooperating Teacher Qualifications and Responsibilities

The adopted amendment to §228.93 adds co-teaching to increase clarity around the duties of a cooperating teacher, updates the term "mentor" to "intern mentor teacher" to align with changes in terminology, and adds pre-internship clinical teaching as required by the preservice alternative certification route established by HB 2. The adoption also requires that cooperating teachers supporting candidates in PREP programs complete *Texas Mentorship Training*.

§228.95. Host Teacher Qualifications and Responsibilities

The adopted amendment to §228.95(a)(3) details the *Texas Mentorship Training* requirements for host teachers supporting candidates in residency assignments, including an implementation runway for completing the first training, as required by HB 2.

§228.97. Intern Mentor Teacher Qualifications and Responsibilities

The adopted amendment to §228.97 includes updating the term "mentor" to "intern mentor teacher" to align with changes to that terminology and revising qualification requirements to align with requirements in Chapter 153.

The changes to adopted §228.97(a)(3) and (b)(2) and (3) add requirements established by HB 2 for intern mentor teachers supporting candidates in the preservice alternative certification route, including a training requirement that intern mentor teachers must complete *Texas Mentorship Training* and the addition of duties of an intern mentor teacher to align with requirements in TEC, §21.458(f).

§228.101. Field Supervisor Qualifications and Responsibilities

The adopted amendment to §228.101 clarifies qualifications for field supervisors of candidates in PREP routes and updates the term "mentor" to "intern mentor teacher" to align with new terminology in §228.2.

The adopted amendment to §228.101(b)(1) extends the timeline for field supervisors to renew the TEA-approved training to the next year. Additional adopted updates provide options for field supervisors to credit training in areas such as T-TESS certification and other approved agency training to count as a portion of the TEA-approved field supervisor training.

The adopted revisions to §228.101(b)(4) and (5) add pre-internship clinical teaching and the preservice alternative certification route to the requirements for formal and informal observations conducted by the field supervisor. Adopted revisions to §228.101(b)(5) add flexibility for candidates in the alternative certification route completing internships by reducing the number of informal observations from three per semester of the internship to two per semester. Updates to §228.101(b)(6) align formatting with other similar rules but retains the informal observation requirement for candidates who are late hires to maintain the added support needed for late hire candidates as they enter the classroom with minimal formal training.

Adopted new subsection (b)(8) establishes that candidates in the pre-internship clinical teaching assignment are required to have informal observations conducted by field supervisors, including feedback on candidate progress toward mastering the competencies identified in §228.41 required for all preservice candidates.

Adopted §228.101(b)(9), (11), and (12) update guidance related to collaboration between field supervisors and mentoring educators, and feedback provided to mentoring educators and other campus or district staff related to candidate performance to ensure that field supervisors and mentoring educators collaborate and communicate regularly in support of the candidate. Adopted subsection (b)(12) defines requirements for field supervisors of candidates in PREP routes and requires the field supervisor to have collaborative meetings with campus supervisors at least three times per semester and with the mentoring educator at least two times monthly.

§228.105. Formal Observations for All Candidates for Initial Classroom Teacher Certification

The adopted amendment to §228.105 integrates the pre-internship clinical teaching experience requirement for the preservice alternative certification route established by HB 2 into the field supervisors' requirement for formal observations in §228.105(a) and clarifies that the field supervisor must provide a copy of the written feedback resulting from a formal observation to the mentoring educator supporting the candidate in any type of clinical experience.

§228.107. Formal Observations for Candidates in Clinical Teaching and Pre-internship Clinical Teaching Assignments

The adopted amendment to §228.107 integrates the pre-internship clinical teaching experience requirement for the preservice alternative certification route into the formal observation schedule for clinical teaching and requires one formal observation during the pre-internship clinical teaching assignment.

§228.109. Formal Observations for Candidates in Internship Assignments

The adopted amendment to §228.109(b) reduces the number of formal observations required for candidates holding a two-year intern certificate who are not late hires from five observations to four for both the initial internship and an additional internship that is required when the first internship was not successful. The adopted amendment adds flexibility and reduces cost for EPPs.

Adopted new §228.109(c) maintains observation requirements for late hire candidates. The adoption requires the field supervisor to conduct five total observations during the internship as is currently required. The number of formal observations for late hire candidates are not reduced to maintain a higher level of support for the candidates who may lack formal training prior to beginning the internship.

The adopted amendment to §228.109(d) extends the modified observation schedule to candidates completing an internship in more than one subject area that cannot be observed by the field supervisor concurrent with the first subject area and requires one additional observation per semester for the second subject area.

Adopted new §228.109(e) and (f) implement the formal observation requirements for the internship for candidates holding an intern with preservice certificate while pursuing certification through the preservice alternative certification route. In addition to the one formal observation adopted during the pre-internship clinical teaching portion of the training detailed in §228.107(e), the adopted observation schedule for the internship requires four formal observations during the full school year internship, with two in the first half of the internship and two in the last half. Adopted new subsection (f) extends the observation schedule to candidates completing an internship in more than one subject area that cannot be observed by the field supervisor concurrent with the first subject area and requires one additional observation per semester for the second subject area.

Adopted new §228.109(g) and (h) establish requirements for formal observations of candidates completing an internship under a probationary certificate. The adoption reorganizes current subsection (e) to adopted new subsection (g) to improve overall readability; however, the observation requirement of five total observations, three in the first half of the internship and two in the last half of the internship has not changed. Adopted new subsection (h) identifies requirements for candidates completing an internship in more than one subject area that cannot be observed by the field supervisor concurrent with the first subject area, requiring one additional observation per semester for the second subject area. The adoption also aligns language across subsections (d), (f), and (h).

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began March 13, 2026, and ended April 13, 2026. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the April 24, 2026, meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: Clint Independent School District (ISD), Teach For America, Lone Star College Alternative Teacher Certification Program (ATCP), EdTrust Educator Advisory Council, Texas Association of Teacher Educators (TxATE), associate and assistant deans and directors of Texas (ADoT), and a teacher resident expressed broad support for the proposed revisions and described them as an important step toward strengthening educator preparation, clarifying expectations for EPPs, and reinforcing strong partnerships between school districts and EPPs. The commenters emphasized that the revisions align with workforce needs, improve candidate readiness, and support long-term teacher retention across Texas.

Response: SBEC agrees. The revisions to Chapter 228 operationalize HB 2, Article 2, which intends to strengthen the teacher workforce by investing in teacher recruitment, preparation, and mentoring programs. The revised requirements strengthen educator preparation by setting expectations for EPPs to offer PREP routes, reinforcing district-EPP partnerships, and aligning preparation pathways with state workforce needs. The rules are intended to improve candidate readiness, consistency of preparation, and teacher retention while supporting scalable, high-quality preparation models across Texas.

Comment: Clint ISD, Hearne ISD, Teach For America, Lone Star College ATCP, and EdTrust Educator Advisory Council emphasized that effective mentorship is one of the most critical factors in new teacher success and retention. While strongly supporting the increased focus on mentorship requirements, the commenters cautioned that successful implementation will depend on sufficiently training providers, clear expectations for mentors, adequate funding, stipends, and time for mentors to fulfill their roles without compromising instructional responsibilities.

Response: The SBEC agrees. High-quality mentorship is critical to beginning teacher success and retention. The proposed rules intentionally raise expectations for mentorship preparation and consistency. The SBEC acknowledges concerns regarding implementation capacity and notes that phased implementation timelines, approved provider processes, and continued coordination with districts and EPPs are designed to support scalability while maintaining quality. Funding mechanisms and operational guidance are addressed through implementation support rather than in rule.

Comment: Lone Star College ATCP, EdTrust Educator Advisory Council, and a teacher resident expressed support for the integration of reading and math academies content into preservice coursework, rather than treating it as separate professional development. The commenters stated that embedding this training within EPP curricula ensures candidates enter classrooms with consistent, evidence-based instructional practices and reduces duplicative onboarding costs for districts.

Response: The SBEC agrees. Integrating reading and math academies content into preservice coursework strengthens candidate preparedness and aligns preparation with evidence-based instructional practices. Embedding this content within EPP curricula promotes coherence between preservice training and clinical experiences while reducing duplication of professional development for districts.

Comment: Disability Rights Texas, Lone Star College ATCP, EdTrust Educator Advisory Council, a literacy and dyslexia advocate, and an educator requested that the SBEC use Chapter 228 as an enforceable policy lever to require strong preparation in evidence-based literacy instruction. The commenters emphasized that inconsistent or optional standards undermine student outcomes and that accreditation and certification requirements should clearly signal mastery of the science of reading.

Response: The SBEC agrees. Strong preparation in evidence-based literacy instruction is essential for educator effectiveness and student outcomes. HB 2 requires all Early Childhood-Grade 3 and Early Childhood-Grade 6 candidates in PREP programs to complete the Texas Reading and Math Academies and instructors of those courses to be trained and certified to deliver the course content. The revisions to Chapter 228 advance this goal by strengthening preservice training requirements in the PREP routes aligned with this statute. EPP review and approval processes will ensure effective implementation of the required training content.

Comment: Clint ISD, Hearne ISD, Teach For America, TxATE, ADoT, and a teacher resident highlighted the value of paid residencies and PREP-funded preparation routes in building sustainable teacher pipelines. The commenters noted that structured clinical experiences, combined with compensation and strong district and EPP partnerships, improve recruitment, preparedness, and retention, particularly in high-need districts.

Response: The SBEC agrees. Paid residencies and PREP-funded pathways are effective strategies for building sustainable educator pipelines, particularly in high-need areas. The revisions to Chapter 228 are designed to provide clarity, flexibility, and consistency for these models while ensuring rigorous clinical experience, supervision, and feedback requirements that support candidate development and retention.

Comment: The Association of Texas Professional Educators and Texas Classroom Teachers Association supported the intent of the proposed coursework requirements but urged SBEC to maintain balance between lesson internalization and lesson design. The commenters emphasized the importance of preserving teacher professional judgment and ensuring that preparation standards do not unintentionally narrow instructional practice.

Response: The SBEC agrees. Both lesson internalization and lesson design are important instructional competencies and are included in the current standards in Chapter 235, Classroom Teacher Certification Standards, Subchapter C, Classroom Teacher Pedagogy Standards, Early Childhood-Grade 12. The revisions to Chapter 228 are intended to ensure candidates can effectively use high-quality instructional materials and prepare meaningful instruction, where use of professional judgement is necessary, within the first 150 hours of coursework. The SBEC will continue to consider alignment across chapters to avoid redundancy and unintended narrowing of instructional practice.

Comment: Disability Rights Texas, Shiro Volunteer Fire Department, and Teach For America offered targeted feedback requesting clarification or expansion of specific competencies or pathways. The commenters focused on ensuring that preparation standards adequately address crisis intervention for students with disabilities, workforce eligibility issues, and alignment with certain career and technical education (CTE) and certification pathways.

Response: The SBEC agrees. Crisis intervention skills, workforce pathways, and CTE alignment are important considerations. Where appropriate and authorized by statute, TEA may address these issues through guidance, future rulemaking, or coordination with other certification chapters. Some recommendations from commenters extend beyond the scope of Chapter 228 and are, therefore, more appropriately addressed outside the proposed rulemaking.

Comment: An individual commented on their need to attend college in 2026.

Response: The comment is outside the scope of SBEC authority and proposed rulemaking.

The State Board of Education (SBOE) took no action on the review of the amendments to §§228.2, 228.6, 228.15, 228.25, 228.31, 228.33, 228.35, 228.41, 228.43, 228.45, 228.55, 228.57, 228.61, 228.63, 228.65, 228.67, 228.73, 228.79, 228.81, 228.91, 228.93, 228.95, 228.97, 228.101, 228.105, 228.107, and 228.109; the repeal of §228.39 and §228.71; and new §228.68 at the June 26, 2026 SBOE meeting.

SUBCHAPTER A. GENERAL GUIDANCE

19 TAC §228.2, §228.6

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 13, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
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For further information, please call: (512) 475-1497

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SUBCHAPTER B. APPROVAL OF EDUCATOR PREPARATION PROGRAMS

19 TAC §228.15

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; 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The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
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For further information, please call: (512) 475-1497

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SUBCHAPTER C. ADMINISTRATION AND GOVERNANCE OF EDUCATOR PREPARATION PROGRAMS

19 TAC §228.25

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. 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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
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For further information, please call: (512) 475-1497

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SUBCHAPTER D. REQUIRED EDUCATOR COURSEWORK AND TRAINING

19 TAC §§228.31, 228.33, 228.35, 228.41, 228.43, 228.45, 228.55, 228.57

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. 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§228.31. Minimum Educator Preparation Program Obligations to All Candidates.

(a) Each educator preparation program (EPP) must develop and implement a calendar of program activities that must include a deadline for accepting candidates into a program cycle to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching or internship experience. If an EPP accepts candidates after the deadline, the EPP must develop and implement a calendar of program activities to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching experience or internship or, if a late hire, by the specified deadline in the late hire provision.

(b) All EPPs shall have a published exit policy for dismissal of candidates that is reviewed and signed by candidates upon admission. The exit policy must identify a point of dismissal for inactive candidates after no more than two years of inactivity, or university-based EPPs may adopt their institution's policy. An inactive candidate is one who is no longer completing coursework, training, and testing requirements with an EPP and is not a completer of the EPP.

(c) To ensure that a candidate for educator certification is prepared to receive a standard or enhanced standard certificate, the EPP shall establish benchmarks and structured assessments of the candidate's progress throughout the EPP and provide support and interventions to each candidate based on the benchmark and structured assessment results.

(d) The EPP must maintain qualified instructors delivering the subject-matter required in §228.57 of this title (relating to Educator Preparation Curriculum). EPP staff providing instruction in required content identified in §228.57(f) of this title for Preparing and Retaining Educators Through Partnership (PREP) routes must apply for and successfully earn certification from the agency to provide that instruction and maintain certification.

(e) The EPP must comply with the prohibitions and requirements under Texas Education Code (TEC), §28.0022(a)(1)-(4), regarding instructional personnel and coursework as required in TEC, §21.0443(b)(3). The EPP must attest to their compliance by September 1, 2026.

(f) An EPP is responsible for ensuring that each candidate is adequately prepared to pass the appropriate examination(s) required for certification. An EPP shall determine the readiness of each candidate to take the appropriate certification examination of content, pedagogy, and professional responsibilities, including professional ethics and standards of conduct.

(g) The EPP shall grant test approval when the EPP determines the candidate is ready, or if the candidate is a completer. An EPP may make test approval contingent on a candidate completing additional coursework and/or training to show that the candidate is prepared to pass the test if the candidate is seeking test approval from the EPP in an area where the standards and/or test changed since the candidate completed all requirements of the EPP or if the candidate has returned to the EPP for test approval one or more years following the academic year of completion of all program requirements.

(h) Upon the written request of the candidate, an EPP may prepare a candidate and grant test approval for a classroom teacher certificate category other than the category for which the candidate was initially admitted to the EPP only if:

(1) the candidate would meet the requirements for admission under §227.10 of this title (relating to Admission Criteria) in the requested certificate category;

(2) the EPP provides coursework and training in the educator standards and test framework competencies related to the requested certificate category; and

(3) the EPP ensures that the candidate is adequately prepared to pass the appropriate content pedagogy examination(s) required for the requested certificate category.

(i) An EPP shall not grant test approval for a certification examination until a candidate has met all of the requirements for admission to the EPP and has been contingently or formally admitted into the EPP.

(j) An EPP shall ensure that candidates complete all coursework and training and complete a successful clinical experience prior to identifying the candidate as a completer and recommending standard or enhanced standard certification. Candidates for teacher certification that meet one of the requirements in §228.79 of this title (relating to Exemptions from Required Clinical Experiences for Classroom Teacher Candidates) are exempt from completing the required field-based experience and clinical experience.

(k) An EPP shall retain documents that evidence a candidate's eligibility for admission to the program and evidence of completion of all program requirements for a period of five years after a candidate completes, withdraws from, or is discharged or released from the program.

(l) During the period of preparation, the EPP shall ensure that the individuals preparing candidates and the candidates themselves understand and adhere to Chapter 247 of this title (relating to Educators' Code of Ethics).

§228.35. Substitution of Applicable Experience and Training.

(a) Each educator preparation program (EPP) must develop and implement specific criteria and procedures that allow:

(1) military service member or military veteran candidates to credit verified military service, training, clinical and professional experience, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification requirements, provided that the military service, training, or education is directly related to the certificate being sought;

(2) candidates who are not military service members or military veterans to substitute prior or ongoing service, training, or education, provided that the experience, education, or training is not also counted as a part of the internship, clinical teaching, or practicum requirements, was provided by an approved EPP or an accredited institution of higher education within the past five years, and is directly related to the certificate being sought; and

(3) candidates who previously completed a graduate program from a program approved to offer the Deafblind Early Childhood-Grade 12 certificate to receive test approval from the EPP. The EPP may require additional coursework.

(b) An EPP may allow a candidate who is employed as an uncertified classroom teacher, and who was employed as an uncertified teacher for at least the full school year preceding issuance of the intern certificate, to substitute service as a teacher of record for the field-based experiences required in §228.43 of this title (relating to Preservice Field-Based Experiences for Classroom Teacher Candidates). Candidates who meet these criteria and were admitted into the EPP on or after September 1, 2024, are eligible.

§228.55. Late Hire Candidates.

(a) A late hire for a school district teaching position may begin an internship under an intern certificate before completing the preservice coursework and training requirements under §228.41 of this title (relating to Preservice Coursework and Training for Classroom Teacher Candidates) and §228.43 of this title (relating to Preservice Field-Based Experiences for Classroom Teacher Candidates) but shall complete these requirements by the end of the first half of the internship.

(b) With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock-hours of preservice coursework and training required in subsection (a) of this section may be provided by a school district and/or campus that is a Texas Education Agency (TEA)-approved continuing professional education provider to a candidate who is considered a late hire. The training provided by the school district and/or campus must meet the criteria described in Texas Education Code, §21.451, and must be directly related to the certificate being sought.

(c) A candidate that does not complete the preservice requirements under §228.41 of this title and §228.43 of this title by the end of the first half of the internship as required in subsection (a) of this section is not qualified for the intern certificate. The educator preparation program shall then notify TEA staff to deactivate the intern certificate in accordance with §228.73(h) of this title (relating to Internship).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Cristina De La Fuente-Valadez
Director, Rulemaking
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For further information, please call: (512) 475-1497

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19 TAC §228.39

STATUTORY AUTHORITY. The repeal is adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER E. EDUCATOR CANDIDATE CLINICAL EXPERIENCES

19 TAC §§228.61, 228.63, 228.65, 228.67, 228.68, 228.73, 228.79, 228.81

STATUTORY AUTHORITY. The amendments and new section are adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC,

§21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendments and new section implement Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.73. Internship.

(a) A candidate completing an alternative certification program or a preservice alternative certification program must complete an internship. A candidate in an alternative certification program who has exhausted the three years available to complete an internship as identified in §230.36 of this title (relating to Intern Certificates) or §230.37 of this title (relating to Probationary Certificates) may complete clinical teaching if the educator preparation program (EPP) is approved to offer clinical teaching as identified in §228.15 of this title (relating to Additional Approval).

(b) With the exception of candidates pursuing certification in areas that do not require a bachelor's degree as identified in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)), a candidate must hold, at minimum, a conferred bachelor's degree to participate in an internship.

(c) While participating in an internship, a candidate must hold the appropriate intern certificate or probationary certificate, or for candidates pursuing certification through the preservice alternative certification route, an intern with preservice certificate, that is effective on or before the assignment start date of the internship and is valid for the entire duration of the internship. The EPP must verify and document that the candidate's intern, intern with preservice, or probationary certificate is active prior to the start of the internship assignment.

(d) The duration of the internship must be a minimum of one full school year and must be completed in the classroom teacher assignment or assignments that match the certification category or categories for which the candidate is prepared by the EPP.

(1) A candidate completing an internship through the preservice alternative certification route while holding the intern with preservice certificate as described in §230.36 of this title must complete the internship in one full school year in one school district.

(2) A candidate completing an internship through an alternative certification route may complete the full school-year internship while holding an intern certificate or a probationary certificate.

(e) An EPP may permit an internship of up to 30 school days less than the required minimum for parental leave, military leave, illness, bereavement leave, or if the late hire date is after the first day of the school year.

(f) The beginning date of an internship for the purpose of field supervision is the first day of instruction with students in the classroom for the school or district in which the internship takes place.

(g) An internship assignment shall not be less than an average of four hours each day in the subject area and grade level of certification sought. The average includes intermissions and recesses but does not include conference and lunch periods. An EPP may permit an additional internship assignment of less than an average of four hours each day only if all of the following are met:

(1) the employing school or district notifies the candidate and the EPP in writing that an assignment of less than four hours will be required;

(2) the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;

(3) the EPP is approved to offer preparation in the certification category required for the additional assignment;

(4) the EPP provides ongoing support for each assignment as prescribed in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences); and

(5) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom.

(h) An EPP may extend the internship or recommend an additional internship if:

(1) the candidate has not exhausted the number of years allowed in a classroom prior to achieving a standard certificate as required in §230.36 of this title and in §230.37 of this title; and

(2) the EPP certifies that the first internship was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate, the candidate's field supervisor, and/or the candidate's intern mentor teacher, and the EPP implements the plan during the additional internship; or

(3) the EPP certifies that the first internship was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the extended internship. EPPs are not required to provide formal observations of candidates who are completing an extension following a successful internship year but must provide ongoing support as needed while the candidate is in the assignment.

(i) An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the initial and any additional internship or internship extension, including formal observations required in §228.109(b) of this title (relating to Formal Observations for Candidates in Internship Assignments) for candidates completing an additional internship that must be completed due to an unsuccessful first internship as described in subsection (h)(2) of this section, unless, prior to the expiration of that term:

(1) a standard certificate is issued to the candidate during any additional internship under an intern or probationary certificate;

(2) the candidate resigns, is non-renewed, or is terminated by the school or district;

(3) the candidate is discharged or is released from the EPP;

(4) the candidate withdraws from the EPP;

(5) the candidate is a late hire and fails to meet the pre-internship requirements within the first half of the internship in accordance with §228.55 of this title (relating to Late Hire Candidates); or

(6) the internship assignment does not meet the requirements described in this subchapter.

(j) If the candidate leaves the internship assignment for any of the reasons identified in subsection (i)(2)-(6) of this section:

(1) the candidate must inform the EPP within 10 business days of the candidate's last day in the assignment; and

(2) the TEA must receive the certificate deactivation request with all related documentation from the EPP, in a format determined by the TEA, within 15 business days of the candidate's last day of employment or within 15 business days from the date the EPP receives notification of the candidate's last day of employment.

(k) The EPP must communicate the requirements in subsection (j) of this section to candidates and campus or district personnel prior to the assignment start date.

(l) An internship is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and campus supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or campus supervisor do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or campus supervisor.

(m) An internship for a Trade and Industrial Workforce Training certificate may be at an accredited institution of higher education if the candidate teaches not less than an average of four hours each day, including intermissions and recesses, in a dual credit career and technical instructional setting as defined by Part 1, Chapter 4, Subchapter D, of this title (relating to Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges).

§228.81. Clinical Experience for Certification Other Than Classroom Teacher.

(a) During the practicum, the candidate must demonstrate proficiency in each of the educator standards for the certificate class being sought.

(b) A practicum may not take place exclusively during a summer recess.

(c) An intern certificate or probationary certificate may be issued to a candidate for a certification in a class other than classroom teacher who meets the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title (relating to Intern Certificates) and §230.37 of this title (relating to Probationary Certificates).

(d) An educator preparation program (EPP) may require additional hours of a practicum, including a practicum under an intern or probationary certificate if:

(1) the EPP certifies that the first practicum was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate, the candidate's field supervisor, and/or the candidate's site supervisor, and the EPP implements the plan during the additional practicum; or

(2) the EPP certifies that the first practicum was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional practicum.

(e) A practicum is successful when the field supervisor and the site supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or site supervisor does not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or site supervisor.

(f) An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the initial and any additional practicum, unless, prior to the expiration of that term:

(1) a standard certificate is issued to the candidate;

(2) the candidate is discharged or is released from the EPP; or

(3) the candidate withdraws from the EPP.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Cristina De La Fuente-Valadez
Director, Rulemaking
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19 TAC §228.71

STATUTORY AUTHORITY. The repeal is adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification;

TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
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For further information, please call: (512) 475-1497

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SUBCHAPTER F. SUPPORT FOR CANDIDATES DURING REQUIRED CLINICAL EXPERIENCES

19 TAC §§228.91, 228.93, 228.95, 228.97, 228.101, 228.105, 228.107, 228.109

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
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For further information, please call: (512) 475-1497

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CHAPTER 230. PROFESSIONAL EDUCATOR PREPARATION AND CERTIFICATION

The State Board for Educator Certification (SBEC) adopts amendments to 19 Texas Administrative Code (TAC) §§230.36, 230.37, 230.53, 230.55, 230.111, and 230.113, concerning professional educator preparation and certification. The amendments to §§230.36, 230.37, 230.53, 230.55, 230.111, and 230.113, are adopted without changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1539) and will not be republished. The adopted amendments update rule language to implement provisions from House Bill (HB) 2 and HB 1178, 89th Texas Legislature, Regular Session, 2025, and include edits previously discussed by the SBEC.

REASONED JUSTIFICATION: The SBEC rules in 19 TAC Chapter 230, Subchapter D, Types and Classes of Certificates Issued, define the types, classes, and issuance requirements for certificates. The SBEC rules in 19 TAC Chapter 230, Subchapter E, Educational Aide Certificate, define the three levels of certification and provide general guidance and requirements for certificate issuance. The SBEC rules in 19 TAC Chapter 230, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States, define certification requirements for out-of-state individuals.

HB 2, 89th Texas Legislature, Regular Session, 2025, is a comprehensive school finance bill that supports students and infuses more dollars and resources into Texas public schools, providing critical support in key areas, including educator preparation. HB 1178, 89th Texas Legislature, Regular Session, 2025, requires the SBEC to establish and immediately issue a temporary certificate for educators certified by other states who apply for a Texas certificate issued under provision of TEC, §21.052.

The following adopted amendments to 19 TAC Chapter 230, Subchapters D, E, and H, support the implementation of applicable statutory requirements and align, where appropriate, with revisions to 19 TAC Chapter 227 and Chapter 228, which are published in the Adopted Rules section of this issue. Technical edits are also adopted to conform to *Texas Register* style requirements.

Subchapter D, Types and Classes of Certificates Issued

§230.36. Intern Certificate

The adopted amendment to §230.36(c)(3) updates information related to the term of an intern certificate to specify that, for assignments beginning with the 2026-2027 school year, intern certificates will be issued with two-year validity periods to eligible teacher candidates in alternative certification programs, including late hire candidates, and candidates pursuing certification in non-teacher classes.

The adopted amendment to §230.36(c)(4)(A) and (B) strikes language that limited the timeframe for issuance of intern and probationary certificates to increase flexibility within the three-year maximum that candidates can serve in assignments on a credential that is not a standard certificate.

The adopted amendment to §230.36(e) strikes the reference to "master teacher" as it is no longer a class of certificate issued by the SBEC and is not eligible for intern certificate issuance.

The adopted amendment to §230.36(e)(2)(B) updates the Chapter 228 rule reference to the rule related to locations for required clinical experiences for candidates in educator preparation programs (EPPs).

The adopted change to §230.36(f) strikes language specific to intensive preservice and creates adopted new §230.36(f) to add language for the new intern with preservice certificate specified in HB 2. Adopted new subsection (f) aligns with additional information about the new preservice certification route, created by HB 2, outlined in the adopted changes to 19 TAC Chapter 228.

§230.37. Probationary Certificate

The adopted amendment to §230.37(c)(4)(A) and (B) strikes language that limited the timeframe for issuance of intern and probationary certificates to increase flexibility within the three-year maximum that candidates can serve in assignments on a credential that is not a standard certificate.

The adopted amendment to §230.37(e) strikes the reference to "master teacher" as it is no longer a class of certificate issued by the SBEC and is not eligible for probationary certificate issuance.

The adopted amendment to §230.37(e)(2)(B) updates the Chapter 228 rule reference to the rule related to locations for required clinical experiences for candidates in EPPs.

The adopted amendment to §230.37(f) strikes in its entirety the text related to a probationary certificate for intensive preservice, which eliminates the previously approved intensive preservice option.

Subchapter E, Educational Aide Certificate

§230.53. Procedures in General

Adopted new §230.53(f) adds language to allow issuance of the Educational Aide I certificate to high school students who may be younger than 18 years of age and meet all requirements for issuance of an industry-based certification. Texas Education Agency (TEA) staff worked closely with agency colleagues responsible for the College, Career, and Military Readiness (CCMR) initiatives on the adopted changes specific to the educational aide certificate, which is limited to Subchapter E to avoid confusion in the field and ensure that changes are codified in the rule chapter specific to the certificate being discussed.

Adopted new §230.53(g) and (h) accommodate updates made to former subsections (f) and (g) based on the addition of new subsection (f).

§230.55. Certification Requirements for Educational Aide I

The adopted amendment to §230.55(3) strikes the reference to "18 years of age or older" to reflect that high school students younger than 18, who meet all requirements to qualify for an industry-based certification, are eligible for recommendation by a district for issuance of an Educational Aide I certificate. These students are subject to the completion of fingerprinting and criminal history background check processes prior to being eligible for SBEC certificate issuance.

Adopted new §230.55(4) strikes and replaces previous language to mirror CCMR requirements for all other industry based-certifications since the CCMR indicator to grant a district credit toward its accountability ratings is the high school student being a program of study completer plus the aligned and earned industry-based certifications (IBC), specifically the Educational Aide I certificate issued by the SBEC. The new language updates the list of applicable courses to maintain clarity in the field and to ensure that districts and students have the guidance needed to positively contribute to and benefit from the IBC certification process.

Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States

§230.111. General Provisions

The adopted amendment to §230.111(a) adds the words "a valid" to align with language specified in HB 1178 that requires educators certified outside of Texas to have a valid, current license issued by another state department of education at the time that they apply to TEA for a review of their out-of-state credentials.

The adopted amendment to §230.111(c) adds "an expired certificate" to the list of credentials that cannot be accepted from educators certified outside of Texas and reinforces language specified in HB 1178 to ensure that all individuals transferring to Texas hold a valid, current certificate at the time of their application submission to TEA for a review of their out-of-state credentials.

The adopted amendment to strike §230.111(d) aligns with language specified in HB 1178 that requires educators certified outside of Texas to present a valid, current certificate as part of their application submission to TEA for a review of out-of-state credentials.

Adopted new §230.111(d) and (e) reorganizes former subsections (e) and (f) based on the deletion of former subsection (d).

§230.113. Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States

The adopted amendment to §230.113(b) adds language to specify that the one-year certificate can be issued immediately following the successful completion of the out-of-state credentials review and the fingerprinting and background check processes.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began March 13, 2026, and ended April 13, 2026. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: Eighty-one commenters, consisting of Texas teachers, EPP staff, counselors, and administrators, expressed support for the proposed changes to Chapter 230, including the proposed change to the age requirement for the Educational Aide I certificate. Commenters stated the benefit of the proposed change to both potential certificate holders and districts because many candidates turn 18 years of age after graduation, which currently creates multiple barriers for the candidate and the district.

Response: The SBEC agrees. The proposed changes to the age requirement for the Educational Aide I certificate for use as an industry-based credential will allow more high school students to receive the certificate and help increase future pipelines to the classroom.

Comment: A Texas administrator and teacher expressed concern that the listed courses in the proposal for a completer status was missing a Level 1 course requirement, Principles of Human Services. The commenter stated that removing this course would create additional cost and strain on rural districts that have used this course in their already established pathway to Educational Aide I certification.

Response: The SBEC disagrees. Principles of Human Services does not include Texas Essential Knowledge and Skills (TEKS) that are specific to education, teaching, or instructional practice. Consequently, this course has not historically been identified as a qualifying course for purposes of meeting the eligibility requirements for the Educational Aide I certification. Given the absence of TEKS alignment to education specific knowledge and skills, there is insufficient policy basis to support adding Principles of Human Services as a qualifying course.

The State Board of Education (SBOE) took no action on the review of the amendments to §§230.36, 230.37, 230.53, 230.55, 230.111, and 230.113 at the June 26, 2026 SBOE meeting.

SUBCHAPTER D. TYPES AND CLASSES OF CERTIFICATES ISSUED

19 TAC §230.36, §230.37

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041, which authorizes the SBEC to adopt rules as necessary for its own procedures and specifies the certification-related rules and fees under the SBEC's authority; TEC, §21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.064, which states that the SBEC shall recognize a master teacher certificate until expiration and that the master teacher certificate is not eligible for the teacher incentive allotment; and TEC, §22.0831(c) and (f), which require the SBEC to review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.003(a); 21.031; 21.041; 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.051; 21.064; and 22.0831(c) and (f).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Cristina De La Fuente-Valadez
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State Board for Educator Certification
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SUBCHAPTER E. EDUCATIONAL AIDE CERTIFICATE

19 TAC §230.53, §230.55

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.041, which authorizes the State Board for Educator Certification (SBEC) to adopt rules as necessary for its own procedures and specifies the certification-related rules and fees under the SBEC's authority.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §21.041.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER H. TEXAS EDUCATOR CERTIFICATES BASED ON CERTIFICATION AND COLLEGE CREDENTIALS FROM OTHER STATES OR TERRITORIES OF THE UNITED STATES

19 TAC §230.111, §230.113

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.040(4), which requires the State Board for Educator Certification (SBEC) to develop and implement policies that clearly define the respective responsibilities of the board and the board's staff; TEC, §21.041, which authorizes the SBEC to adopt rules as necessary for its own procedures and specifies the certification-related rules and fees under the SBEC's authority; TEC, §21.048, which states the SBEC shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board that includes not requiring more than 45 days elapsing between examination retakes and that starting January 1, 2021, all candidates teaching Prekindergarten-Grade 6 must demonstrate proficiency in the science of teaching reading on a certification examination; TEC, §21.052(a)-(e), which outline the requirements and conditions under which the SBEC may issue a certificate to an educator who applies for a certificate and holds comparable credentials in another state or country; and TEC, §21.0521, as added by House Bill (HB) 1178, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to establish a temporary certificate for immediate issuance to eligible educators licensed outside the state.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.040(4); 21.041; 21.048; 21.052(a)-(e); and 21.0521, as added by House Bill (HB) 1178, 89th Texas Legislature, Regular Session, 2025.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 247. EDUCATORS' CODE OF ETHICS

19 TAC §247.2

The State Board for Educator Certification (SBEC) adopts an amendment to 19 Texas Administrative Code (TAC) §247.2, concerning the code of ethics and standard practices for Texas educators. The amendment to §247.2 is adopted with changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1547) and will be republished. The adopted amendment implements Senate Bill (SB) 571 and SB 12, 89th Texas Legislature, Regular Session, 2025.

REASONED JUSTIFICATION: The 89th Texas Legislature, Regular Session, 2025, passed SB 571 and SB 12, which significantly impacted the SBEC's rules related to educator misconduct. SB 571 amended multiple statutory provisions related to educator misconduct, including mandatory reporting and the creation of temporary suspension authority. SB 12 created new requirements for public school employees and prohibitions related to instruction, diversity, equity, and inclusion duties as well as social transitioning. The SBEC rules in 19 TAC Chapter 247 establish the Educator's Code of Ethics, which required updates due to the changes in SB 571 and SB 12.

At the September and December 2025 meetings, the SBEC had preliminary discussions on potential amendments to Chapter 247. The recommendations discussed were informed by legislative changes as well as stakeholder feedback. Texas Education Agency (TEA) staff presented these potential changes to the Educator Preparation Stakeholder Group on January 9, 2026, and held a stakeholder engagement meeting with the public on December 17, 2025.

The following adopted amendment to §247.2 incorporates both SBEC and stakeholder input. This adoption also includes technical edits to update statutory citations and conform to Texas Register style requirements.

§247.2. Code of Ethics and Standard Practices for Texas Educators

Adopted new §247.2(1)(N) aligns the Educators' Code of Ethics to TEC, §11.005, and incorporates the prohibitions on diversity, equity, and inclusion duties.

Adopted new §247.2(1)(O) aligns the Educators' Code of Ethics to TEC, §11.401, and incorporates the prohibitions on assistance with social transitioning.

Adopted new §247.2(1)(P) aligns the Educators' Code of Ethics to TEC, §28.0043, and incorporates the restrictions on instruction regarding sexual orientation and gender identity.

Adopted new §247.2(1)(Q) aligns the Educators' Code of Ethics to the requirement that an educator provide full information to a parent concerning a student in TEC, §26.008.

Adopted new §247.2(1)(R) adds a new prohibition to the Educators' Code of Ethics that prohibits an educator from promoting, advocating, or encouraging illegal conduct as described in TEC, §22A.201(a), or that is directly related to student behavior or school property, and done so in a manner that is accessible or visible to students.

The adopted amendment to §247.2(3)(H) updates the definition of appropriate educator student boundaries to include physical proximity or physical contact with a student beyond the professional role, contacting or meeting the student beyond the professional role or efforts to gain access alone with the student with no discernible purpose, transporting the student with permission or in violation of school board policy unless in the event of an emergency, taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy, or showing favoritism or isolation through gifts, rewards, or privileges. At adoption, a technical edit was made to correct a typographical error in paragraph (3)(H)(ii).

The adopted amendment to §247.2(3)(I) updates the definition of inappropriate communication to include whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began March 13, 2026, and ended April 13, 2026. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: The Texas Classroom Teachers Association (TCTA) opposed the addition of proposed new §247.2(1)(N)-(Q), Standards 1.14-1.17, stating that existing standards already require compliance with state and federal law and that the proposed additions are redundant.

Response: The SBEC disagrees. While current ethics standards require general compliance with the law, the Texas Legislature directed the SBEC to adopt rules implementing specific statutory changes. The proposal provides clarity and transparency regarding conduct that may result in disciplinary action.

Comment: Texas American Federation of Teachers (Texas AFT) requested additional modifications to proposed new §247.2(1)(R), Standard 1.18, including removing "advocate or encourage" regarding actions by an educator, removing "or visible," and modifying the language of "directly related to student behavior or school property." Texas AFT stated that these changes are recommended on the basis that they are essentially the same and may result in "hairsplitting" by the SBEC and TEA staff.

Response: The SBEC disagrees. Each term under Standard 1.18 serves a distinct purpose and, even if overlapping, the conduct would still constitute a single violation. "Reasonably accessible" does not replace "visible," and removing "visible" creates a loophole allowing misconduct to be excused despite student exposure. Finally, limiting the language to actions "by students" would imply educators may permissibly encourage non-students to engage in illegal conduct, including as it relates to school property.

Comment: TCTA expressed concerns that ethics standards in proposed new §247.2(1)(R) related to the promotion of illegal conduct may be overly broad and could implicate educators' First Amendment rights. TCTA recommended narrowing the language and reducing redundancy.

Response: The SBEC disagrees. The proposed language reflects revisions from earlier drafts to provide greater specificity and address stakeholder feedback regarding scope and clarity. The proposed language appropriately balances educator rights with the responsibility to protect students. Antithetically, this would seem to imply that promoting, advocating, or encouraging illegal conduct is permissible as long as it does not cause a significant disruption to the learning environment.

Comment: Texas AFT raised concerns that the proposed language in §247.2(3)(H)(v), Standard 3.8, identifying favoritism through gifts, rewards, or privileges, could unintentionally apply to appropriate classroom incentives and management practices.

Response: The SBEC disagrees. The proposed language identifies factors that may indicate boundary concerns when evaluated in context and does not prohibit the appropriate use of instructional incentives. Determinations regarding educator conduct are made based on the totality of the circumstances.

The State Board of Education (SBOE) took no action on the review of the amendment to §247.2 at the June 26, 2026 SBOE meeting.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that Texas Education Agency (TEA) staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.0581, which authorizes the SBEC to suspend, revoke, or impose other sanctions against an individual if the individual assists another person in obtaining employment at a school and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(a), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.105(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may impose sanctions against a teacher employed under a probationary contract who resigns, fails without good cause to comply with subsection (a) or (b), and fails to perform the contract; TEC, §21.105(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.105(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.160(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.160(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may not impose a sanction against a teacher who relinquishes a position under a continuing contract and the leaves employment after the 45th day before instruction of the upcoming school year and without consent, if the teacher's failure to comply was due to the good cause factors listed in paragraphs (1)-(4); TEC, §21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §21.210(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.210(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.210(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the requirements for good cause when a contract is abandoned; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22A.001, as added, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which provides definitions for TEC, Chapter 22A; TEC, §22A.051(a), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director of an educational entity notify the SBEC if an educator employed by or seeking employment has a criminal record and the entity obtained information about the criminal record by a means other than the criminal history clearinghouse, if an educator's employment was terminated or the educator resigned and there is evidence that the educator engaged in specific conduct, or if the superintendent or director becomes aware that the educator engaged in specific conduct; TEC, §22A.051(c), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires a principal of a school district, district of innovation, or charter school to notify the superintendent within 48 hours after the principal becomes aware of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.051(d), as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director notify the SBEC by filing a report with the SBEC not later than 48 hours after the superintendent or director receives notice from a principal or becomes aware of evidence of misconduct under TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §§22A.051(h) and (i), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which give the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006, and give the SBEC rulemaking authority to implement TEC, §22A.051; TEC, §22A.052, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires superintendents or directors of educational entities to notify the commissioner of education if an employee or service provider resigned or was terminated and there is evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), or the superintendent or director becomes aware of evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.054, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision. TEC, §22A.054, also provides that the SBEC shall notify the agency for purposes of placing an educator on the registry; TEC, §22A.055(f), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which states that the SBEC may revoke the certificate of an administrator if the SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under this section; TEC, §22A.151, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires educational entities to discharge or refuse to hire or terminate or refuse to accept services from any person listed on the registry of persons not eligible for employment in Texas public schools; and provides that an educational entity may not allow a person who is listed on the registry to act as a service provider for an educational entity; TEC, §22A.157, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; and provides that the SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known that the employee or applicant has certain criminal history; TEC, §22A.201, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §22A.202, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC finds that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare and provides that the SBEC shall propose rules to implement this section; TEC, §22A.203, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for specific offenses and provides that the SBEC shall propose rules to implement this section; and TEC, §22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the chief administrative officer of a private school to notify the SBEC no later than

48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D) and provides that the SBEC shall propose rules to implement this section; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; and TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code, §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; and Texas Family Code, §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, TGC, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; and TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and Every Student Succeeds Act (ESSA), 20 USC, §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a); 21.0581; 21.060; 21.065; 21.105(a); (c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e), and (f); 21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 22.082; 22.0831; 22.087; and 22A.001; 22A.051(a), (c), (h), and (i); 22A.052; 22A.054; 22A.055(f); 22A.151; 22A.157; 22A.201; and 22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; and 22A.051(d), 22A.202; and 22A.203, as added by SB 571, 89th Texas Legislature, Regular Session 2025; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code, §261.308(d) and (e); §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Occupations Code (TOC), §§53.021(a); 53.022-53.025; 53.051; 53.052; and 56.003; and the Every Student Succeeds Act (ESSA), 20 USC, §7926.

§247.2. Code of Ethics and Standard Practices for Texas Educators.

Enforceable Standards.

(1) Professional Ethical Conduct, Practices and Performance.

(A) Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

(B) Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

(C) Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

(D) Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

(E) Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

(F) Standard 1.6. The educator shall not falsify records or direct or coerce others to do so.

(G) Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

(H) Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

(I) Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

(J) Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

(K) Standard 1.11. The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

(L) Standard 1.12. The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.

(M) Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

(N) Standard 1.14. The educator shall comply with the prohibitions on diversity, equity, and inclusion duties in Texas Education Code (TEC), §11.005.

(O) Standard 1.15. The educator shall comply with the prohibitions on assistance with social transitioning in TEC, §11.401.

(P) Standard 1.16. The educator shall comply with the restrictions on instruction regarding sexual orientation and gender identity in TEC, §28.0043.

(Q) Standard 1.17. The educator shall comply with the requirements to provide full information to a parent concerning a student in TEC, §26.008.

(R) Standard 1.18. The educator shall not promote, advocate, or encourage, in a manner that is reasonably accessible or visible to students, illegal conduct:

(i) described by TEC, §22A.201(a); or

(ii) directly related to student behavior or school property.

(2) Ethical Conduct Toward Professional Colleagues.

(A) Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

(B) Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

(C) Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

(D) Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

(E) Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

(F) Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

(G) Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

(H) Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

(3) Ethical Conduct Toward Students.

(A) Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

(B) Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

(C) Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

(D) Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

(E) Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

(F) Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

(G) Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

(H) Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard. Factors that may be considered in context and on the totality of the circumstances in assessing whether appropriate boundaries were maintained include, but are not limited to:

(i) physical proximity or physical contact beyond the professional role or that the student has indicated is unwelcome, unless such contact is professionally required;

(ii) contacting or meeting the student beyond the professional role or making efforts to gain access to or time alone with a student with no discernible professional purpose;

(iii) transporting the student without permission from the student's legal guardian or in violation of school board policy, unless for an emergency;

(iv) taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy; and

(v) showing favoritism or isolation through gifts, rewards, or privileges.

(I) Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in context and on the totality of the circumstances in assessing whether the communication is inappropriate include, but are not limited to:

(i) the nature, purpose, timing, and amount of the communication;

(ii) the subject matter of the communication;

(iii) whether the communication was made openly, or the educator attempted to conceal the communication;

(iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;

(v) whether the communication was sexually explicit;

(vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student; and

(vii) whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 13, 2026.

TRD-202602872
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Effective date: August 2, 2026
Proposal publication date: March 13, 2026
For further information, please call: (512) 475-1497

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CHAPTER 249. DISCIPLINARY PROCEEDINGS, SANCTIONS, AND CONTESTED CASES

The State Board for Educator Certification (SBEC) adopts amendments to 19 Texas Administrative Code (TAC) §249.14 and §249.17 and new §249.51 and §249.52, concerning enforcement actions and guidelines and temporary suspensions. The amendment to §249.14 and new §249.52 are adopted with changes since published as proposed in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1551) and will be republished. The amendment to §249.17 and new §249.51, are adopted without changes to the proposed text as published in the March 13, 2026 issue of the *Texas Register* (51 TexReg 1551) and will not be republished. The adopted revisions implement Senate Bill (SB) 571 and SB 12, 89th Texas Legislature, Regular Session, 2025.

REASONED JUSTIFICATION: The 89th Texas Legislature, Regular Session, 2025, passed SB 571 and SB 12, which significantly impacted the SBEC's rules related to educator misconduct. SB 571 amended multiple statutory provisions related to educator misconduct, including mandatory reporting and the creation of temporary suspension authority. SB 12 created new requirements for public school employees and prohibitions related to instruction, diversity, equity, and inclusion duties as well as social transitioning. The SBEC rules in 19 TAC Chapter 249 establish the minimum sanctions for violations of SBEC rules and the practice procedures for SBEC contested case proceedings, which required updates based on the changes in SB 571 and SB 12.

At the September and December 2025 meetings, the SBEC had preliminary discussions on potential amendments to Chapter 249. The recommendations discussed were informed by legislative changes as well as stakeholder feedback. Texas Education Agency (TEA) staff presented these potential changes to the Educator Preparation Stakeholder Group on January 9, 2026, and held a stakeholder engagement meeting with the public on December 17, 2025.

The following adopted amendments to 19 TAC Chapter 249, Subchapter B, and new Subchapter F, incorporate both SBEC and stakeholder input. This adoption also includes technical edits to update statutory citations and conform to *Texas Register* style requirements.

Subchapter B, Enforcement Actions and Guidelines

§249.14. Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition

The adopted amendment to §249.14(d) updates the reporting requirements for superintendents and directors to reflect the statutory changes in SB 571, 89th Texas Legislature, Regular Session, 2025. This includes the requirement to report within 48 hours, physical mistreatment of a student regardless of bodily injury, the requirement to report inappropriate communications, failure to maintain appropriate boundaries, and the requirement to report when the superintendent or director becomes aware of evidence that misconduct occurred.

The adopted amendment to §249.14(e) updates the reporting requirements to reflect the statutory changes in SB 571, 89th Texas Legislature, Regular Session, 2025.

At adoption, language regarding reporting requirements was updated in subsections (d) and (e) to refer to TEC, §22A.051.

§249.17. Decision-Making Guidelines

The adopted amendment to §249.17(d)(1) updates the good cause factors for contract abandonment, including an update to the factor in subparagraph (B), which provides for good cause due to relocation of an educator or an educator's spouse because of a change in employers or location of employment, and other minor language changes required by HB 2, 89th Texas Legislature, Regular Session, 2025.

The adopted amendment to §249.17(l) adds a minimum sanction for a violation of TEC, §22A.055(f), of no less than a three-year suspension.

Additional technical edits were made to subsections (i) and (j) to update statutory citations to reflect legislative changes made by SB 571, 89th Texas Legislature, Regular Session, 2025.

Subchapter F, Temporary Suspensions

Adopted new Subchapter F provides rules related to temporary suspensions, as required by SB 571, 89th Texas Legislature, Regular Session, 2025.

§249.51. Temporary Suspension Based on Continuing and Imminent Threat

Adopted new §249.51 adds a definition for continuing and imminent threat to the public welfare for purposes of temporary suspensions to reflect legislative changes made by SB 571, 89th Texas Legislature, Regular Session, 2025.

Adopted new §249.51(a) provides that if the SBEC or a committee designated by the SBEC has reason to believe that an educator is a continuing and imminent threat to the public welfare, a disciplinary proceeding will be held as soon as possible in accordance with TEC, §22A.202.

Adopted new §249.51(b) defines continuing and imminent threat to the public welfare as a real danger to students or the public from acts or omissions of the educator, which includes solicitation, engagement of a romantic relationship, abuse, or neglect; consideration of whether the harm alleged is more than abstract, hypothetical, or remote; may include both actions and inactions of the educator; consideration of whether the conduct occurred on or off a school campus; and whether there have been prior complaints, investigations, or discipline of the same or similar nature against the educator.

§249.52. Process for Temporary Suspension of a License or Permit

Adopted new §249.52 creates the process for temporary suspensions under TEC, §22A.202 and §22A.203, to reflect legislative changes in SB 571, 89th Texas Legislature, Regular Session, 2025.

Adopted new §249.52(a) provides that the SBEC shall appoint a five-member temporary suspension committee. It also provides that, in the event of the recusal of a member of the committee or the inability of a committee member to attend a temporary suspension proceeding, the SBEC chair may appoint an alternate member.

Adopted new §249.52(b) provides that a with-notice hearing may include the presentation of evidence, deliberations, and an announcement of the committee's decision. It also provides that notice for a with-notice hearing must be sent to the respondent no less than 10 days before the hearing via electronic mail, but if the electronic mail is returned as undeliverable, the notice will be sent via certified mail.

Adopted new §249.52(c) provides that evidence at a temporary suspension proceeding be under the relaxed standard in TGC, §2001.081. At adoption, a technical edit was made to correct typographical errors.

Adopted new §249.52(d) provides that if a majority of the committee votes to temporarily suspend a license or a permit, the suspension shall have an immediate effect and that the committee chair will sign an order that will be sent to the respondent via electronic mail or first-class mail.

Adopted new §249.52(e) provides that a certificate or permit may be suspended without notice to the respondent under TEC, §22A.202(c), if at the time of the suspension, agency staff initiates proceedings at State Office of Administrative Hearings (SOAH) simultaneously with the temporary suspension, and a hearing is held as soon as practicable under TEC, Chapter 22A, and TGC, Chapter 2001.

Adopted new §249.52(f) provides that agency staff shall serve notice of a probable cause on a respondent in accordance with SOAH's rules. This amendment also provides that a respondent may request a continuance of or waive a probable cause hearing and if the Administrative Law Judge (ALJ) grants the continuance or respondent waives the hearing, the suspension remains in effect.

Adopted new §249.52(g) provides that at a probable cause hearing an ALJ shall determine whether there is probable cause to continue the temporary suspension of the license or permit and issue an order on that determination.

Adopted new §249.52(h) provides that SOAH shall hold a hearing no later than 61 days from the date of the temporary suspension date or the date of the final disposition as required by TEC, §22A.202 and §22A.203. This amendment also provides that, at this hearing, staff may present evidence of any additional violations related to the respondent.

Adopted new §249.52(i) provides that staff will send notice of the final hearing in accordance with SOAH's rules and that the respondent may request a continuance or waive the final hearing.

Adopted new §249.52(j) provides that after the final hearing, the ALJ shall issue a proposal for decision on the suspension and the proposal for decision may address any additional violations.

Adopted new §249.52(k) provides that for purposes of a suspension under TEC, §22A.203, a final disposition of a criminal case includes evidence of a final, non-appealable conviction; an acceptance and entry of a plea agreement; a dismissal; an acquittal; or a successful completion of deferred adjudication.

Adopted new §249.52(l) provides that a temporary suspension takes effect immediately and remains in effect until a final or superseding order of the committee or SBEC is entered; the staff received documentation that the information or indictment that served as the underlying basis for arrest has been dismissed or otherwise nullified; the prosecuting authority rejects the prosecution or charges are dismissed for a temporary suspension under TEC, §22A.203; or the ALJ issued an order determining that there is no probable cause to continue the temporary suspension under TEC, §22A.202.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began March 13, 2026, and ended April 13, 2026. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: Texas American Federation of Teachers (Texas AFT) and the Association of Texas Professional Educators (ATPE) stated that the definition of a continuing and imminent threat to public welfare lacks sufficient clarity and recommended limiting application to situations involving a real and immediate risk, particularly when an educator no longer has student contact.

Response: The SBEC disagrees. The rule establishes factors to evaluate whether an educator poses a continuing and imminent threat, consistent with statute. The SBEC believes the framework provides appropriate guidance while allowing flexibility to address varying factual circumstances.

Comment: Texas AFT and ATPE opposed including omissions or inactions as factors in determining whether an educator poses a continuing and imminent threat, asserting that such conduct does not reflect immediacy.

Response: The SBEC disagrees. The rule reflects statutory authority and allows consideration of omissions or inactions when such conduct may pose a serious risk to student or public welfare. Limiting consideration to affirmative acts could prevent the SBEC from addressing certain categories of harm. Additionally, the Texas Family Code defines abuse to include "failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child."

Comment: ATPE raised due process concerns related to notice of temporary suspension hearings and requested that notice be provided through certified or registered mail rather than solely by electronic means. ATPE also requested clarification regarding hearing timelines and notice when a suspension is lifted.

Response: The SBEC disagrees. The SBEC recognizes the importance of due process and reliable notice in disciplinary proceedings. The SBEC will continue to ensure that notice and hearing procedures comply with applicable statutory and administrative law requirements.

Comment: Texas AFT and ATPE stated that temporary suspension authority should be used sparingly and supported safeguards that protect students while preserving educator rights.

Response: The SBEC disagrees. Temporary suspension authority is intended to be used only in limited circumstances involving continuing and imminent threats to public welfare and mandated arrests. The proposed new rule establishes criteria and procedures to support consistent and appropriate application.

Comment: An individual expressed general support for clarifying disciplinary procedures and standards in Chapter 249 to improve transparency and consistency.

Response: The SBEC agrees. The revisions clarify procedures, align agency rules with statutory requirements, and promote consistent application of disciplinary standards.

The State Board of Education (SBOE) took no action on the review of the amendments to 19 Texas Administrative Code (TAC) §249.14 and §249.17 and new §249.51 and §249.52 at the June 26, 2026 SBOE meeting.

SUBCHAPTER B. ENFORCEMENT ACTIONS AND GUIDELINES

19 TAC §249.14, §249.17

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that Texas Education Agency (TEA) staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.0581, which authorizes the SBEC to suspend, revoke, or impose other sanctions against an individual if the individual assists another person in obtaining employment at a school and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(a), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.105(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may impose sanctions against a teacher employed under a probationary contract who resigns, fails without good cause to comply with subsection (a) or (b), and fails to perform the contract; TEC, §21.105(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.105(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.160(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.160(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may not impose a sanction against a teacher who relinquishes a position under a continuing contract and the leaves employment after the 45th day before instruction of the upcoming school year and without consent, if the teacher's failure to comply was due to the good cause factors listed in paragraphs (1)-(4); TEC, §21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §21.210(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.210(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.210(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the requirements for good cause when a contract is abandoned; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22A.001, as added, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which provides definitions for TEC, Chapter 22A; TEC, §22A.051(a), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director of an educational entity notify the SBEC if an educator employed by or seeking employment has a criminal record and the entity obtained information about the criminal record by a means other than the criminal history clearinghouse, if an educator's employment was terminated or the educator resigned and there is evidence that the educator engaged in specific conduct, or if the superintendent or director becomes aware that the educator engaged in specific conduct; TEC, §22A.051(c), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires a principal of a school district, district of innovation, or charter school to notify the superintendent within 48 hours after the principal becomes aware of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.051(d), as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director notify the SBEC by filing a report with the SBEC not later than 48 hours after the superintendent or director receives notice from a principal or becomes aware of evidence of misconduct under TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §§22A.051(h) and (i), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which give the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006, and give the SBEC rulemaking authority to implement TEC, §22A.051; TEC, §22A.052, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires superintendents or directors of educational entities to notify the commissioner of education if an employee or service provider resigned or was terminated and there is evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), or the superintendent or director becomes aware of evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.054, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision. TEC, §22A.054, also provides that the SBEC shall notify the agency for purposes of placing an educator on the registry; TEC, §22A.055(f), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which states that the SBEC may revoke the certificate of an administrator if the SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under this section; TEC, §22A.151, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires educational entities to discharge or refuse to hire or terminate or refuse to accept services from any person listed on the registry of persons not eligible for employment in Texas public schools; and provides that an educational entity may not allow a person who is listed on the registry to act as a service provider for an educational entity; TEC, §22A.157, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; and provides that the SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known that the employee or applicant has certain criminal history; TEC, §22A.201, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §22A.202, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC finds that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare and provides that the SBEC shall propose rules to implement this section; TEC, §22A.203, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for specific offenses and provides that the SBEC shall propose rules to implement this section; and TEC, §22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the chief administrative officer of a private school to notify the SBEC no later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D) and provides that the SBEC shall propose rules to implement this section; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; and TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code, §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; and Texas Family Code, §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, TGC, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; and TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and Every Student Succeeds Act (ESSA), 20 USC, §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a); 21.0581; 21.060; 21.065; 21.105(a); (c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e), and (f); 21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 22.082; 22.0831; 22.087; and 22A.001; 22A.051(a), (c), (h), and (i); 22A.052; 22A.054; 22A.055(f); 22A.151; 22A.157; 22A.201; and 22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; and 22A.051(d), 22A.202; and 22A.203, as added by SB 571, 89th Texas Legislature, Regular Session 2025; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code, §261.308(d) and (e); §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Occupations Code (TOC), §§53.021(a); 53.022-53.025; 53.051; 53.052; and 56.003; and the Every Student Succeeds Act (ESSA), 20 USC, §7926.

§249.14. Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition.

(a) The Texas Education Agency (TEA) staff may obtain and investigate information concerning alleged improper conduct by an educator, applicant, examinee, or other person subject to this chapter that would warrant the State Board for Educator Certification (SBEC) denying relief to or taking disciplinary action against the person or certificate.

(b) Complaints against an educator, applicant, or examinee must be filed in writing.

(c) The TEA staff may also obtain and act on other information providing grounds for investigation and possible action under this chapter.

(d) A person who serves as the superintendent of a school district or district of innovation, the director of a charter school, regional education service center, or shared services arrangement, or the chief administrative officer of a private school may notify the SBEC of any educator misconduct that the person believes in good faith may be subject to sanctions under this chapter and/or Chapter 247 of this title (relating to Educators' Code of Ethics). However, under any of the following circumstances, a person who serves in such a position shall promptly notify the SBEC in writing by filing a report with the TEA staff within the time frame required by Texas Education Code (TEC), §22A.051, of the date the person either receives a report from a principal under subsection (e) of this section or knew of any of the following circumstances:

(1) that an applicant for or a holder of a certificate has a reported criminal history, which the superintendent or director obtained information by a means other than the criminal history clearinghouse established under Texas Government Code, §411.0845;

(2) that a certificate holder was terminated from employment and there is evidence that he or she committed any of the following acts:

(A) sexually or physically abused a student or minor or engaged in any other illegal conduct with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Texas Penal Code, Chapter 9, regardless of whether the conduct resulted in bodily injury;

(B) possessed, transferred, sold, or distributed a controlled substance;

(C) illegally transferred, appropriated, or expended school property or funds;

(D) attempted by fraudulent or unauthorized means to obtain or to alter any certificate or permit that would entitle the individual to be employed in a position requiring such certificate or permit or to receive additional compensation associated with a position;

(E) engaged in inappropriate communications with a student or minor, as defined by SBEC rule;

(F) failed to maintain appropriate boundaries with a student or minor, as defined by SBEC rule;

(G) committed a crime, any part of such crime having occurred on school property or at a school-sponsored event; or

(H) solicited or engaged in sexual conduct or a romantic relationship with a student or minor;

(3) that a certificate holder has submitted a notice of resignation and that there exists evidence that he or she committed one of the acts specified in paragraph (2) of this subsection.

(A) Before accepting an employee's resignation that, under this paragraph, requires a person to notify the SBEC by filing a report with the TEA staff, the person shall inform the certificate holder in writing that such a report will be filed and that sanctions against his or her certificate may result as a consequence.

(B) A person required to comply with this paragraph shall notify the governing body of the employing school district before filing the report with the TEA staff.

(C) A superintendent or director of a school district shall complete an investigation of an educator if there is reasonable cause to believe the educator may have engaged in misconduct described in paragraph (2)(A) of this subsection despite the educator's resignation from district employment before completion of the investigation.

(4) the superintendent or director becomes aware of evidence that an educator employed by the entity engaged in misconduct described by paragraph (2) of this subsection; or

(5) any other circumstances requiring a report under the TEC, §22A.051.

(e) A person who serves as a principal in a school district, a district of innovation, or a charter school must notify the superintendent or director of the school district, district of innovation, or charter school within the time frame required by TEC, §22A.051, and may be subject to sanctions for failure to do so.

(f) Pursuant to the TEC, §22A.051, a report filed under subsections (d) and (e) of this section must include:

(1) the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator; and

(2) the factual circumstances requiring the report and the subject of the report by providing the following available information:

(A) name and any aliases; certificate number, if any, or social security number;

(B) last known mailing address and home and daytime phone numbers;

(C) all available contact information for any alleged victim or victims;

(D) name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;

(E) current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and

(F) involvement by a law enforcement or other agency, including the name of the agency.

(g) Pursuant to the Family Educational Rights and Privacy Act (FERPA), 20 United States Code, §1232g(a)(4), and the federal regulations interpreting it at 34 Code of Federal Regulations, §99.3, education records that are protected by FERPA must be records that are directly related to a student, and the term "education records" does not include records that relate to a school employee in his or her capacity as a school employee.

(h) A person who is required to file a report under subsections (d) and (e) of this section but fails to do so timely is subject to sanctions under this chapter.

(i) If a school district board of trustees learns of a failure by the superintendent of the district or a district principal to provide a notice required under the Texas Code of Criminal Procedure (TCCP), §15.27(a), (a-1), or (b), the board of trustees shall report the failure to the SBEC. If the governing body of a private primary or secondary school learns of a failure by the principal of the school to provide a notice required under the TCCP, §15.27(e), and the principal holds a certificate issued under the TEC, Chapter 21, Subchapter B, the governing body shall report the failure to the SBEC.

(j) The TEA staff shall not pursue sanctions against an educator who is alleged to have abandoned his or her TEC, Chapter 21, contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), subject to the limitations imposed by the TEC, §21.4021(g), unless the board of trustees of the employing school district:

(1) submits a written complaint to the TEA staff within 30 calendar days after the effective date of the educator's separation from employment from the school district. For purposes of this section, unless the school district and the educator have a written agreement to the contrary, the effective date of separation from employment is the first day that, without district permission, the educator fails to appear for work under the contract;

(2) renders a finding that good cause did not exist under the TEC, §§21.105(c)(2), 21.160(c)(2), or 21.210(c)(2). This finding constitutes prima facie evidence of the educator's lack of good cause, but is not a conclusive determination; and

(3) submits the following required attachments to the written complaint:

(A) the educator's resignation letter, if any;

(B) the agreement with the educator regarding the effective date of separation from employment, if any;

(C) the educator's contract; and

(D) school board meeting minutes indicating a finding of "no good cause" (if the board does not meet within 30 calendar days of the educator's separation from employment, the minutes may be submitted within 10 calendar days after the next board meeting).

(k) To efficiently administer and implement the SBEC's purpose under this chapter and the TEC, the TEA staff may set priorities for the investigation of complaints based on the severity and immediacy of the allegations and the likelihood of harm posed by the subject of the investigation. All cases accepted for investigation shall be assigned one of the following priorities.

(1) Priority 1: conduct that may result in the placement of an investigative notice pursuant to the TEC, §21.007, and subsection (l) of this section because it presents a risk to the health, safety, or welfare of a student or minor, parent of a student, fellow employee, or professional colleague, including, but not limited to, the following:

(A) any conduct constituting a felony criminal offense;

(B) indecent exposure;

(C) public lewdness;

(D) child abuse and/or neglect;

(E) possession of a weapon on school property;

(F) drug offenses occurring on school property;

(G) sale to or making alcohol or other drugs available to a student or minor;

(H) sale, distribution, or display of harmful material to a student or minor;

(I) certificate fraud;

(J) state assessment testing violations;

(K) deadly conduct; and

(L) conduct that involves inappropriate communication with a student as described in §247.2(3)(I) of this title (relating to Code of Ethics and Standard Practices for Texas Educators), inappropriate professional educator-student relationships and boundaries, or otherwise soliciting or engaging in sexual conduct or a romantic relationship with a student or minor.

(2) Priority 2: any sanctionable conduct that is not Priority 1 conduct under paragraph (1) of this subsection. An investigative notice will not be placed on an educator's certification records on the basis of an allegation of Priority 2 conduct. The TEA staff may change a case's priority at any time based on information received. Priority 2 conduct includes, but is not limited to, the following:

(A) any conduct constituting a misdemeanor criminal offense or testing violation that is not Priority 1 conduct;

(B) contract abandonment; and

(C) code of ethics violations that do not constitute Priority 1 conduct.

(l) After accepting a case for investigation, if the alleged conduct indicates a risk to the health, safety, or welfare of a student or minor, as described in subsection (k)(1) of this section, the TEA staff shall immediately place an investigative notice on the certificate holder's certification records stating that the certificate holder is currently under investigation. The placement of such an investigative notice must follow the procedures set forth in subsection (m)(1) of this section. After accepting a case for investigation, if the alleged conduct indicates a risk to the health, safety, or welfare of a parent of a student, fellow employee, or professional colleague, as described in subsection (k)(1) of this section, the TEA staff may place an investigative notice on the certificate holder's certification records stating that the certificate holder is currently under investigation. The placement of an investigative notice must follow the procedures set forth in subsection (m)(2) of this section.

(m) The following procedures must be followed for placing an investigative notice on the educator's certification records.

(1) At the time of placing an investigative notice on an educator's certification records for alleged conduct that indicates a risk to the health, safety, or welfare of a student or minor, the TEA staff shall serve the certificate holder with a letter informing the educator of the investigation and the basis of the complaint.

(A) Within 10 calendar days of placing an investigative notice on the educator's certification records, the letter notifying the certificate holder of the investigation shall be mailed to the address provided to the TEA staff pursuant to the requirements set forth in §230.91 of this title (relating to Procedures in General).

(B) The letter notifying the certificate holder of the investigation shall include a statement of the alleged conduct, which forms the basis for the investigative notice, and shall provide the certificate holder the opportunity to show cause within 10 calendar days why the notice should be removed from the educator's certification records.

(2) Prior to placing an investigative notice on an educator's certification records for alleged conduct that indicates a risk to the health, safety, or welfare of a parent of a student, fellow employee, or professional colleague, as described in subsection (k)(1) of this section, the TEA staff shall serve the certificate holder with a letter informing the educator of the investigation and the basis of the complaint.

(A) At least 10 calendar days before placing an investigative notice on the educator's certification records, the letter notifying the certificate holder of the investigation shall be mailed to the address provided to the TEA staff pursuant to the requirements set forth in §230.91 of this title.

(B) The letter notifying the certificate holder of the investigation shall include a statement of the alleged conduct, which forms the basis for the investigative notice, and shall provide the certificate holder the opportunity to show cause within 10 calendar days why the notice should not be placed on the educator's certification records.

(3) The TEA staff shall determine whether or not to remove or place an investigative notice on the educator's certification records, taking into account the educator's response, if any, to the letter notifying the certificate holder of the investigation.

(n) An investigative notice is subject to the following time limits.

(1) An investigative notice may remain on the certification records of a certificate holder for a period not to exceed 240 calendar days.

(2) The TEA staff may toll this time limit if information is received indicating that there is a pending criminal or administrative matter related to the alleged act of misconduct that gives rise to the investigative notice. For purposes of this subsection, a criminal or administrative matter includes an audit by a state or federal agency, an arrest, an investigation, related litigation or other enforcement action brought by a state or federal administrative agency, or a prosecution by a criminal law enforcement agency. Upon receiving notice that the criminal or administrative matter has been resolved the tolling period shall end. As part of its procedure, the TEA staff will attempt to make bimonthly (once every two months) contact with the agency where a related matter is pending to determine whether the related matter has been closed or otherwise resolved.

(3) The TEA staff may toll this time limit if the matter is referred for a contested case hearing, upon agreement of the parties, or while the matter is pending action by the SBEC on a proposed agreed order.

(o) The TEA staff shall remove an investigative notice from an educator's certification records:

(1) when a case's final disposition occurs within the time limits established in subsection (n) of this section; or

(2) when the time limits for an investigative notice have been exceeded, if:

(A) the certificate holder has made a written demand to the TEA staff that the investigative notice be removed because the time limits have been exceeded; and

(B) the TEA staff has failed to refer the matter to the State Office of Administrative Hearings for a contested case hearing within 30 calendar days from the date of receipt of the written demand to remove the investigative notice.

(p) Before institution of agency proceedings, TEA staff shall send a letter via certified or registered mail to the certificate holder giving them notice of the facts or conduct alleged to warrant the intended action and an opportunity to show compliance with all requirements of law for the retention of the certificate.

(q) Only the TEA staff may file a petition seeking sanctions under §249.15 of this title (relating to Disciplinary Action by State Board for Educator Certification). Prior to filing a petition, the TEA staff shall mail to the certificate holder affected by written notice of the facts or conduct alleged to warrant the intended action and shall provide the certificate holder an opportunity to show compliance with all requirements of law.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 13, 2026.

TRD-202602876
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Effective date: August 2, 2026
Proposal publication date: March 13, 2026
For further information, please call: (512) 475-1497

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SUBCHAPTER F. TEMPORARY SUSPENSIONS

19 TAC §249.51, §249.52

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that Texas Education Agency (TEA) staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.0581, which authorizes the SBEC to suspend, revoke, or impose other sanctions against an individual if the individual assists another person in obtaining employment at a school and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(a), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.105(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may impose sanctions against a teacher employed under a probationary contract who resigns, fails without good cause to comply with subsection (a) or (b), and fails to perform the contract; TEC, §21.105(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.105(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.160(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.160(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may not impose a sanction against a teacher who relinquishes a position under a continuing contract and the leaves employment after the 45th day before instruction of the upcoming school year and without consent, if the teacher's failure to comply was due to the good cause factors listed in paragraphs (1)-(4); TEC, §21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §21.210(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.210(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.210(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the requirements for good cause when a contract is abandoned; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22A.001, as added, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which provides definitions for TEC, Chapter 22A; TEC, §22A.051(a), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director of an educational entity notify the SBEC if an educator employed by or seeking employment has a criminal record and the entity obtained information about the criminal record by a means other than the criminal history clearinghouse, if an educator's employment was terminated or the educator resigned and there is evidence that the educator engaged in specific conduct, or if the superintendent or director becomes aware that the educator engaged in specific conduct; TEC, §22A.051(c), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires a principal of a school district, district of innovation, or charter school to notify the superintendent within 48 hours after the principal becomes aware of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.051(d), as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director notify the SBEC by filing a report with the SBEC not later than 48 hours after the superintendent or director receives notice from a principal or becomes aware of evidence of misconduct under TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §§22A.051(h) and (i), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which give the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006, and give the SBEC rulemaking authority to implement TEC, §22A.051; TEC, §22A.052, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires superintendents or directors of educational entities to notify the commissioner of education if an employee or service provider resigned or was terminated and there is evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), or the superintendent or director becomes aware of evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.054, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision. TEC, §22A.054, also provides that the SBEC shall notify the agency for purposes of placing an educator on the registry; TEC, §22A.055(f), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which states that the SBEC may revoke the certificate of an administrator if the SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under this section; TEC, §22A.151, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires educational entities to discharge or refuse to hire or terminate or refuse to accept services from any person listed on the registry of persons not eligible for employment in Texas public schools; and provides that an educational entity may not allow a person who is listed on the registry to act as a service provider for an educational entity; TEC, §22A.157, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; and provides that the SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known that the employee or applicant has certain criminal history; TEC, §22A.201, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §22A.202, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC finds that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare and provides that the SBEC shall propose rules to implement this section; TEC, §22A.203, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for specific offenses and provides that the SBEC shall propose rules to implement this section; and TEC, §22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the chief administrative officer of a private school to notify the SBEC no later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D) and provides that the SBEC shall propose rules to implement this section; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; and TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code, §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; and Texas Family Code, §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, TGC, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; and TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and Every Student Succeeds Act (ESSA), 20 USC, §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a); 21.0581; 21.060; 21.065; 21.105(a); (c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e), and (f); 21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 22.082; 22.0831; 22.087; and 22A.001; 22A.051(a), (c), (h), and (i); 22A.052; 22A.054; 22A.055(f); 22A.151; 22A.157; 22A.201; and 22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; and 22A.051(d), 22A.202; and 22A.203, as added by SB 571, 89th Texas Legislature, Regular Session 2025; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code, §261.308(d) and (e); §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Occupations Code (TOC), §§53.021(a); 53.022-53.025; 53.051; 53.052; and 56.003; and the Every Student Succeeds Act (ESSA), 20 USC, §7926.

§249.52. Process For Temporary Suspension of a License or Permit.

(a) For each temporary suspension proceeding, the State Board for Educator Certification (SBEC) shall appoint a five-member committee to consider the information and evidence presented by Texas Education Agency (TEA) staff. In the event of the recusal of a committee member or the inability of a committee member to attend a temporary suspension committee proceeding, the SBEC chair may appoint an alternate member to serve on the committee.

(b) A with-notice hearing may include activities such as presentation of evidence, deliberations, and announcement of the committee's decision. The committee has discretion over setting time limits and evidentiary determinations. Notice of the temporary suspension hearing shall be sent to the respondent no less than 10 days before the hearing via electronic mail. If the electronic notice is returned as undeliverable, the notice will be sent via certified mail.

(c) Evidence will be considered under a relaxed standard described in Texas Government Code (TGC), §2001.081, including information of a type on which a reasonably prudent person commonly relies in the conduct of the person's affairs, necessary to ascertain facts not reasonably susceptible of proof under formal rules of evidence, and not precluded by statute.

(d) If a majority of the committee votes to temporarily suspend a license or permit, the suspension shall have immediate effect, and the chair of the committee will sign an order of temporary suspension. The order of temporary suspension shall be sent to the respondent via electronic mail or first-class mail.

(e) In accordance with Texas Education Code (TEC), §22A.202(c), a certificate or permit may be suspended without notice to the respondent if at the time of the suspension, TEA staff initiates proceedings at the State Office of Administrative Hearings (SOAH) simultaneously with the temporary suspension, and a hearing is held as soon as possible under TEC, Chapter 22A, and TGC, Chapter 2001.

(f) Notice, continuance, and waiver of probable cause hearing. TEA staff shall serve notice of a probable cause hearing upon the respondent in accordance with SOAH's rules. The respondent may request a continuance or waiver of the probable cause hearing. If the administrative law judge (ALJ) grants the continuance request or the respondent waives the probable cause hearing, the suspension remains in effect until the suspension is considered by SOAH at the continued probable cause hearing or at the final hearing.

(g) Probable cause hearing. At the probable cause hearing, an ALJ shall determine whether there is probable cause to continue the temporary suspension of the license or permit and issue an order on that determination.

(h) Final hearing. SOAH shall hold a hearing no later than 61 days from the date of the temporary suspension or the date of the final disposition if the temporary suspension is issued under TEC, §22A.203. At this hearing, TEA staff shall present evidence supporting the continued suspension of the license and may present evidence of any additional violations related to the respondent. This hearing is referred to as the "final hearing."

(i) Notice and continuance of final hearing. TEA staff shall send notice of the final hearing in accordance with SOAH's rules. The respondent may request a continuance or waive the final hearing.

(j) Proposal for decision. Following the final hearing, the ALJ shall issue a proposal for decision on the suspension. The proposal for decision may also address any other additional violations related to the respondent.

(k) For purposes of suspension or restriction under TEC, §22A.203, final disposition of a criminal case includes evidence of:

(1) final, non-appealable conviction;

(2) acceptance and entry of a plea agreement;

(3) dismissal;

(4) acquittal; or

(5) successful completion of a deferred adjudication.

(l) A temporary suspension takes effect immediately and shall remain in effect until:

(1) a final or superseding order of the committee or SBEC is entered;

(2) the staff receives documentation that the information or indictment that served as the underlying basis for arrest has been dismissed or otherwise nullified, the prosecuting authority rejects the prosecution, or charges are dismissed for a temporary suspension under TEC, §22A.203; or

(3) the ALJ issues an order determining that there is no probable cause to continue the temporary suspension under TEC, §22A.202.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 13, 2026.

TRD-202602877
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
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For further information, please call: (512) 475-1497

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TITLE 22. EXAMINING BOARDS

PART 11. TEXAS BOARD OF NURSING

CHAPTER 216. CONTINUING COMPETENCY

22 TAC §§216.1, 216.5, 216.7 - 216.9, 216.11

Introduction. The Texas Board of Nursing (Board) adopts amendments to 22 Texas Administrative Code §§216.1, 216.5, 216.7, 216.8, 216.9, and 216.11, without changes to the proposed text published in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1789), as corrected by the *Texas Register's* Correction of Error (51 TexReg 4612). The rule will not be republished.

Reasoned Justification. The Texas Board of Nursing (Board) adopts amendments to Board Rules §§216.1, 216.5, 216.7 - 216.9 and 216.11 to implement the requirements of Senate Bill 912, which added Texas Occupations Code §§112.101-112.106. This bill requires the Board to establish a continuing education tracking system to verify that licensees have complied with continuing competency requirements prior to renewal of a license. The amendments to 22 Texas Administrative Code Chapter 216, relating to Continuing Competency, implement Senate Bill 912 by establishing and integrating a continuing education tracking system for verifying licensee compliance.

Section by Section Overview.

Section 216.1 contains definitions for Chapter 216. The Board revises the definition of "Audit" to clarify that audits may involve a general review of licensees and monitoring of the continuing education tracking system vendor, rather than being limited to a random sampling conducted during a biennial licensing period. The amendments also add a new definition for "Continuing education tracking system," defined as an electronic system established by the Board in accordance with Texas Occupations Code §§112.104 and 112.105. Existing definitions in the section are renumbered as necessary to accommodate the addition of the new term.

Section 216.5 establishes additional methods by which a licensee may demonstrate compliance with continuing competency requirements, other than by submitting evidence of completed continuing nursing education (CNE) hours or an approved national nursing certification. The amendments to §216.5 transition documentation requirements for these alternative methods from the current reactive, audit-based submission process to a proactive requirement that licensees upload sufficient documentation and information to the continuing education tracking system. Under the amendments, licensees are required to upload documentation verifying completion of qualifying academic courses, development or presentation of approved programs, and publication of eligible manuscripts, rather than submitting documentation only upon audit.

Section 216.7 establishes the responsibilities of individual licensees with respect to recordkeeping and verification of continuing competency activities. The amendments to §216.7 clarify these responsibilities by maintaining the requirement that licensees retain records of general continuing nursing education activities for a minimum of three consecutive licensing periods, while proposing removal of language specifying forms of documentation to be submitted upon audit. The amendments also add a provision requiring licensees to upload all documentation and information necessary to verify completion of continuing competency requirements to the continuing education tracking system prior to license renewal or reactivation.

Section 216.8 establishes the process for renewal, reactivation, and other forms of relicensure. The amendments to §216.8 incorporate use of the continuing education tracking system into the relicensure framework by proposing that licensees attest, upon renewal, that they have complied with the requirement to upload verification documentation to the tracking system. The amendments further require that licensees seeking renewal of a delinquent license or reactivation of an inactive license upload sufficient documentation to the tracking system to verify completion of required continuing education or maintenance of approved national nursing certification. Additional conforming amendments align the renewal, delinquency, and reactivation processes with the verification framework.

Section 216.9 establishes the Board's audit process for verifying compliance with continuing competency requirements. The amendments to §216.9 align the audit process with the continuing education tracking system by proposing that the Board review documentation and information previously uploaded to the system and request additional materials as necessary to verify compliance. The amendments also remove obsolete provisions describing prior random sampling procedures and specific submission formats in order to comport with the proposed continuing education tracking system procedures.

Section 216.11 establishes the consequences of noncompliance with continuing competency requirements. The amendments to §216.11 clarify that failure to demonstrate compliance upon audit, falsely attesting to completion of continuing competency requirements, or falsification of records would constitute unprofessional conduct and grounds for disciplinary action, in addition to denial of license renewal.

Public Comment. The Board received no comments on the adoption of these amendments.

Statutory Authority. These amendments are adopted under the authority of Texas Occupations Code §§301.151, 301.303, 112.104 & 112.106.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 13, 2026.

TRD-202602878
James W. Johnston
General Counsel
Texas Board of Nursing
Effective date: September 1, 2026
Proposal publication date: March 20, 2026
For further information, please call: (512) 305-6879

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PART 22. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

CHAPTER 501. RULES OF PROFESSIONAL CONDUCT

SUBCHAPTER D. RESPONSIBILITIES TO THE PUBLIC

22 TAC §501.81

The Texas State Board of Public Accountancy adopts an amendment to §501.81 concerning Firm Licensing, with changes to the proposed text as published in May 29, 2026 issue of the *Texas Register* (51 TexReg 3671) and will be republished.

CPAs providing accounting services in a non-licensed firm may use their CPA designation so long as they provide the disclaimer that the firm they are practicing in is not a CPA firm. The proposed revision reduces the location of the disclaimer and the font size of the disclaimer.

Four comments were received regarding adoption of the amendment.

Comments received: The TXCPA asks that the Board consider:

Placing the responsibility on the non-CPA firm, as opposed to the individual licensee, to disclose that a licensed CPA is practicing through a non-licensed firm in a non-licensed firm's advertising.

Providing the public with greater direction on what constitutes the practice of public accountancy through the Board's Frequently Asked Questions section of the Board's website.

Removing 501.81 subsection (f) since the proposed revision in 501.81(c) places the responsibility of the disclosure statement on the non-CPA firm as opposed to the licensee.

Comments Received:

The AICPA has made a similar comment as the TXCPA. Their comment states they strongly support licensee's being able to use their CPA title regardless of their employer.

Comment Received:

Jennifer Johnson, CPA, Dallas, Texas provided a comment in support of the proposed rule revision. She stated that she is in favor of the proposed revision as a practical change to remove the overly burdensome formatting in the current rule.

Comment Received:

Tonya M. Payne, CPA, Pipe Creek, Texas, stated that she believes the current rule is clear and is preferable to the proposed language and would open the door to unlicensed CPA firms and non-CPA firms being able to advertise as if they were a CPA firm if they have a CPA on staff. She is concerned that Private Equity is driving the rule change.

Response:

In response to the comments the Board is proposing to revise the proposed rule to place the responsibility on the non-registered entity to assure the public is made aware that the non-registered entity is not a CPA firm.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act. No other article, statute or code is affected by the adoption.

§501.81. Firm Licensing.

(a) A firm, may not provide or offer to provide attest services or use the title "CPA," "CPAs," "CPA Firm," "Certified Public Accountants," "Certified Public Accounting Firm," or "Auditing Firm" or any variation of those titles unless the firm holds a firm license issued by the board or qualifies under a practice privilege. A firm license is not valid for any date or for any period prior to the date it is issued by the board and it automatically expires and is no longer valid after the end of the period for which it is issued. A firm license does not expire when the application for license renewal is received by the board prior to its expiration date. An expiration date for a firm license may be extended by the board, in its sole discretion, upon a demonstration of extenuating circumstances that prevented the firm from timely applying for or renewing a firm license.

(b) A firm is required to hold a license issued by the board if the firm establishes or maintains an office in this state.

(c) When a CPA providing professional accounting services, as defined in §501.52(22) of the board's rules, exclusive of the attest service, holds out to the public in a non-registered entity, the non-registered entity must display the following disclaimer language: This firm is not a CPA firm and its services are not regulated by the Texas State Board of Public Accountancy.

(d) The requirement of subsection (c) of this section does not apply to a licensee performing services:

(1) as a licensed attorney at law of this state while in the practice of law or as an employee of a licensed attorney when acting within the scope of the attorney's practice of law;

(2) as an employee, officer, or director of a federally-insured depository institution, when lawfully acting within the scope of the legally permitted activities of the institution's trust department; or

(3) pursuant to a practice privilege.

(e) On the determination by the board that a person has practiced without a license or through an unlicensed firm in violation of subsection (c) of this section, the person's certificate shall be subject to revocation and may not be reinstated for at least 12 months from the date of the revocation.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 9, 2026.

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J. Randel (Jerry) Hill
General Counsel
Texas State Board of Public Accountancy
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For further information, please call: (512) 305-7848

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CHAPTER 515. LICENSES

22 TAC §515.8

The Texas State Board of Public Accountancy adopts an amendment to §515.8 concerning Retired or Disability Status, without changes to the proposed text as published in May 29, 2026 issue of the *Texas Register* (51 TexReg 3672) and will not be republished.

The proposed revised language clarifies that a faculty member of an educational institution providing accounting services to the public is associated with accounting services and therefore does not qualify for the CPA retired status.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 518. UNAUTHORIZED PRACTICE OF PUBLIC ACCOUNTANCY

22 TAC §518.5

The Texas State Board of Public Accountancy adopts an amendment to §518.5 concerning Unlicensed Entities, without changes to the proposed text as published in May 29, 2026 issue of the *Texas Register* (51 TexReg 3674) and will not be republished.

Eliminates the font size and locations of the disclaimer advising the public that the licensed CPA is providing accounting services in a non-licensed firm.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 305-7848

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CHAPTER 523. CONTINUING PROFESSIONAL EDUCATION

SUBCHAPTER B. CONTINUING PROFESSIONAL EDUCATION RULES FOR INDIVIDUALS

22 TAC §523.113

The Texas State Board of Public Accountancy adopts an amendment to §523.113 concerning Exemptions from CPE, without changes to the proposed text as published in May 29, 2026 issue of the *Texas Register* (51 TexReg 3675) and will not be republished.

Section 901.003(c)(2) of the Public accountancy Act provides that faculty members of an educational institution, are not in the practice of public accountancy when they are performing duties as a faculty member. They may refer to themselves as a CPA if they are in fact a CPA of another state without the need for an individual license or firm license and are not required to obtain Continuing Professional Education.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 550. LICENSING STANDARDS FOR PRESCRIBED PEDIATRIC EXTENDED CARE CENTERS

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §550.5, concerning Definitions; §550.304, concerning Administrator Responsibilities; §550.406, concerning Student Nurses; §550.413, concerning Contractors; §550.415, concerning Staffing Policies for Staff Orientation, Development, and Training; §550.417, concerning Personnel Records; and §550.418, concerning Criminal History Checks, Nurse Aide Registry, Medication Aide Registry, and Search Engine for Multi-Agency Reportable Conduct Requirements.

Section 550.418 is adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2185). This rule will be republished.

Sections 550.5, 550.304, 550.406, 550.413, 550.415, and 550.417 are adopted without changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2185). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long-Term Care Regulation (LTCR) must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC received comments regarding the proposed rules from one commenter. HHSC received comments from the Texas Academy of Nutrition and Dietetics. A summary of comments relating to the rules and HHSC's responses follows.

Comment: The commenter suggested making changes to the term "dietician" in §550.5(25) to support timely access to qualified nutrition services and to ensure consistency with current licensure standards and clinical practice.

Response: HHSC declines to make the suggested change at this time. HHSC will address the requested definition in a future rule project to ensure the public has the opportunity to comment on the proposed definition.

Comment: The commenter suggested making changes to the term "nutritional counseling" in §550.5(57) to support timely access to qualified nutrition services and to ensure consistency with current licensure standards and clinical practice.

Response: HHSC declines to make the suggested change at this time. HHSC will address the requested definition in a future rule project to ensure the public has the opportunity to comment on the proposed definition.

HHSC made changes to §§550.418(c)(1), 550.418(c)(3) and 550.418(c)(5)(A) to clarify how to determine if a person is employable while performing required searches.

SUBCHAPTER A. PURPOSE, SCOPE, LIMITATIONS, COMPLIANCE, AND DEFINITIONS

26 TAC §550.5

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code §248A.101, which authorizes the executive commissioner of HHSC to adopt rules for Prescribed Pediatric Extended Care Centers.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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SUBCHAPTER C. GENERAL PROVISIONS DIVISION 2. ADMINISTRATION AND MANAGEMENT

26 TAC §550.304

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code §248A.101, which authorizes the executive commissioner of HHSC to adopt rules for Prescribed Pediatric Extended Care Centers.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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DIVISION 3. NURSING AND STAFFING REQUIREMENTS

26 TAC §§550.406, 550.413, 550.415, 550.417, 550.418

STATUTORY AUTHORITY

The amendments are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code §248A.101, which authorizes the executive commissioner of HHSC to adopt rules for Prescribed Pediatric Extended Care Centers.

§550.418. Criminal History Checks, Nurse Aide Registry, Medication Aide Registry, and Search Engine for Multi-Agency Reportable Conduct Requirements.

(a) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise.

(1) Applicant means any individual applying for a position in a center.

(2) Employee means an individual directly employed by a center, a volunteer, or a contractor.

(b) The provisions in this subsection apply to an applicant and an employee.

(1) A center must conduct a criminal history check authorized by, and in compliance with, THSC Chapter 250 for an applicant for employment and an employee.

(2) A center must not employ an applicant whose criminal history check includes a conviction listed in THSC §250.006 that bars employment or a conviction the center has determined is a contraindication to employment. If an applicant's or employee's criminal history check includes a conviction of an offense that is not listed in THSC §250.006, the center must document its review of the conviction and its determination of whether the conviction is a contraindication to employment.

(3) The center must immediately discharge an employee when the center becomes aware that the employee's criminal history check reveals conviction of a crime that bars employment or that the center has determined is a contraindication to employment.

(c) The provisions in this subsection apply to an applicant and an employee.

(1) Before a center hires an applicant, the center must search the Nurse Aide Registry (NAR), Medication Aide Registry (MAR), and the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under THSC Chapter 810 to verify if the applicant is employable. If the applicant's name is on the NAR or MAR as unemployable, the center must not hire the applicant. If the applicant's name is listed in the SEMARC, the applicant is unemployable, and the center must not hire the applicant.

(2) The center must provide new employees information about the SEMARC within five business days after hiring an employee. This information must:

(A) be in writing;

(B) state that a person listed in the SEMARC established under THSC Chapter 810 is not employable by the center; and

(C) include a reference to Chapter 561 of this title (relating to Employee Misconduct Registry) and THSC Chapter 253.

(3) In addition to the initial verification of employability, the center must, at least once every 12 months, search the NAR and the SEMARC to determine if the employee remains employable.

(4) A center must suspend the employment of an employee who HHSC finds has engaged in reportable conduct while the employee exhausts any applicable appeals process, including informal and formal appeals and any hearing or judicial review, in accordance with THSC §253.004 or §253.005, pending a final decision by an administrative law judge. A center must not reinstate the employee's employment or contract during the course of any applicable appeals process.

(5) The center must immediately discharge an employee when the center becomes aware:

(A) that the employee is listed as unemployable on the Nurse Aide Registry or the employee's name is listed in the SEMARC; or

(B) that the employee's criminal history check reveals conviction of a crime that bars employment or that the center has determined is a contraindication to employment.

(d) Upon request by HHSC, a center must provide documentation to demonstrate compliance with subsections (b) and (c) of this section.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Karen Ray

Chief Counsel

Health and Human Services Commission

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CHAPTER 553. LICENSING STANDARDS FOR ASSISTED LIVING FACILITIES

SUBCHAPTER E. STANDARDS FOR LICENSURE

26 TAC §553.257

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §553.257, concerning Personnel.

Section 553.257 is adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2194). This rule will be republished.

BACKGROUND AND JUSTIFICATION

The amendment is necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long-Term Care Regulation (LTCR) must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC did not receive any comments regarding the proposed rule.

HHSC made a change to §553.257(a)(6) to remove an unnecessary cross-reference.

HHSC made changes to §§553.257(b)(2), 553.257(b)(3) and 553.257(b)(5) to clarify how to determine if a person is employable while performing required searches.

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code §247.025, which authorizes the executive commissioner of HHSC to adopt rules for assisted living facilities.

§553.257. Personnel.

(a) Personnel records. A facility must keep current and complete personnel records on a facility employee for review by HHSC staff, including:

(1) documentation that the facility performed a criminal history check;

(2) an annual search of the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and Safety Code Chapter 810;

(3) an annual nurse aide registry check;

(4) documentation of initial tuberculosis screenings referenced in this subchapter;

(5) documentation of the employee's compliance with or exemption from the facility vaccination policy referenced in this subchapter;

(6) a signed statement from the employee, acknowledging that the employee may be criminally liable for the failure to report abuse, neglect, and exploitation; and

(7) a signed disclosure statement, indicating whether the employee:

(A) has been convicted of an offense described in Texas Health and Safety Code §250.006; and

(B) has lived in a state other than Texas within the past five years.

(b) Investigation of facility employees.

(1) A facility must comply with the provisions of Texas Health and Safety Code Chapter 250.

(2) Before a facility hires an applicant, the facility must search the nurse aide registry (NAR) and the SEMARC to determine if the applicant is employable. If the applicant's name is on the NAR as unemployable, the facility must not hire the applicant. If the applicant's name is listed in the SEMARC, the applicant is unemployable, and the facility must not hire the applicant.

(3) A facility is prohibited from hiring or continuing to employ a person who is listed in the NAR as unemployable or is listed in the SEMARC. If a person has been convicted of an offense listed in Texas Health and Safety Code §250.006, the person cannot be hired or allowed to continue to work at the facility.

(4) A facility must provide notification about the SEMARC to an employee in accordance with §561.3 of this title (relating to Employment and Registry Information).

(5) In addition to the initial search of the NAR and the SEMARC, a facility must, at least once every 12 months, conduct a search of the NAR and the SEMARC to determine if the person remains employable.

(6) The facility must keep a copy of the results from the initial and annual search of the NAR and the SEMARC in each employee's file.

(7) If an applicant for employment indicates on the disclosure statement that the applicant has lived in another state within the past five years, the facility must conduct a name-based criminal history check in each state in which the applicant previously resided within the five-year period. A facility may hire the applicant pending the results of the name-based criminal history check in each state, but the employee must not be in a position that has direct contact with residents.

(8) If HHSC determines that a facility employee has engaged in reportable conduct, the facility must:

(A) suspend the employment of the employee while the employee exhausts any applicable appeals process, including informal and formal appeals and any hearing or judicial review conducted in accordance with Texas Health and Safety Code §253.004 or §253.005, pending a final decision by an administrative law judge; and

(B) not reinstate the employee's employment during the course of any applicable appeals process.

(9) For the purpose of paragraph (8) of this subsection, reportable conduct includes:

(A) abuse or neglect that causes or may cause death or harm to a resident;

(B) sexual abuse of a resident;

(C) financial exploitation of a resident in an amount of $25 or more; and

(D) emotional, verbal, or psychological abuse that causes harm to a resident.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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For further information, please call: (512) 438-3161

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CHAPTER 554. NURSING FACILITY REQUIREMENTS FOR LICENSURE AND MEDICAID CERTIFICATION

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §554.101, concerning Definitions; and §554.1921, concerning General Requirements for a Nursing Facility.

Section 554.1921 is adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2196). This rule will be republished.

Section 554.101 is adopted without changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2196). This rule will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long-Term Care Regulation (LTCR) must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC received comments regarding the proposed rules from one commenter. HHSC received comments from the Texas Academy of Nutrition and Dietetics. A summary of comments relating to the rules and HHSC's responses follows.

Comment: The commenter suggested making changes to the term "dietician" in §554.101(33) to support timely access to qualified nutrition services and to ensure consistency with current licensure standards and clinical practice.

Response: HHSC declines to make the suggested change at this time. HHSC will address the requested definition in a future rule project to ensure the public has the opportunity to comment on the proposed definition.

Comment: The commenter suggested making changes to the term "therapeutic diet" in §554.101(150) to support timely access to qualified nutrition services and to ensure consistency with current licensure standards and clinical practice.

Response: HHSC declines to make the suggested change at this time. HHSC will address the requested definition in a future rule project to ensure the public has the opportunity to comment on the proposed definition.

HHSC made changes to §§554.1921(l), 554.1921(m) and 554.1921(o)(1) to clarify how to determine if a person is employable while performing required searches.

SUBCHAPTER B. DEFINITIONS

26 TAC §554.101

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code Chapter 242, which authorizes the executive commissioner of HHSC to adopt rules for nursing facilities.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Karen Ray
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SUBCHAPTER T. ADMINISTRATION

26 TAC §554.1921

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code Chapter 242, which authorizes the executive commissioner of HHSC to adopt rules for nursing facilities.

§554.1921. General Requirements for a Nursing Facility.

(a) The facility must admit and retain only residents whose needs can be met through service from the facility staff, or in cooperation with community resources or other providers under contract.

(b) Individuals who have met the requirements of Chapter 303 of this title (relating to Preadmission Screening and Resident Review (PASRR)) and have mental or physical diseases, or both, that endanger other residents may be admitted or retained if adequate rooms and care are provided to protect the other residents.

(c) The term "hospital" may not be used as part of the name of a nursing facility unless it has been classified and duly licensed as a hospital by the appropriate state agency.

(d) A facility that ceases operation, temporarily or permanently, voluntarily or involuntarily, must provide notice to the residents and residents' relatives or responsible parties of closure. See §554.2310 of this chapter (relating to Nursing Facility Ceases to Participate) for additional notice requirements that apply to a Medicaid or Medicare certified facility.

(1) If the closure is voluntary, within one week after the date on which the decision to close is made, the facility must send written notice to residents' relatives or responsible parties stating that the closure will occur no earlier than 60 days after receipt of the notice.

(2) If the closure is involuntary, the facility must make the notification, whether orally or in writing, immediately on receiving notice of the closure.

(e) Each licensed facility must conspicuously and prominently post the information listed in this subsection in an area of the facility that is readily available to residents, employees, and visitors. The posting must be in a manner that each item of information is directly visible at a single time. In the case of a licensed section that is part of a larger building or complex, the posting must be in the licensed section or public way leading to it. Any exceptions must be approved by HHSC. The following items must be posted:

(1) the facility license;

(2) a complaint sign provided by HHSC giving the toll-free telephone number;

(3) a notice in a form prescribed by HHSC that inspection and related reports are available at the facility for public inspection;

(4) a concise summary prepared by HHSC of the most recent inspection report;

(5) a notice of HHSC toll-free telephone number 1-800-458-9858 to request summary reports relating to the quality of care, recent investigations, litigation or other aspects of the operation of the facility that are available to the public;

(6) a notice that HHSC can provide information about the nursing facility administrator at (512) 438-2015;

(7) if a facility has been ordered to suspend admissions, a notice of the suspension, which must be posted also on all doors providing public ingress to and egress from the facility;

(8) the statement of resident rights provided in §554.401 of this chapter (relating to Introduction) and any additional facility requirements involving resident rights and responsibilities;

(9) a notice that employees, other staff, residents, volunteers, and family members and guardians of residents are protected from discrimination or retaliation as provided by the Texas Health and Safety Code §260A.014 and §260A.015; and that the facility has available for public inspection a copy of the Texas Health and Safety Code Chapter 260A;

(10) a prominent and conspicuous sign for display in a public area of the facility that is readily available to the residents, employees, and visitors and that includes the statement: CASES OF SUS-

PECTED ABUSE, NEGLECT, OR EXPLOITATION SHALL BE REPORTED TO HHSC BY CALLING 1-800-458-9858;

(11) for a facility that advertises, markets, or otherwise promotes that it provides services to residents with Alzheimer's disease and related disorders, a disclosure statement describing the nature of its care or treatment of residents with Alzheimer's disease and related disorders in accordance with §554.403(n)(2) of this chapter (relating to Notice of Rights and Services);

(12) at each entrance to the facility, a sign that states that a person may not enter the premises with a handgun and that complies with Texas Government Code §411.204; and

(13) daily for each shift, the current number of licensed and unlicensed nursing staff directly responsible for resident care in the facility. In addition, the nursing facility must make the information required to be posted available to the public upon request.

(f) The reports referenced in subsection (e)(3) of this section must be maintained in a well-lighted, accessible location and must include:

(1) a statement of the facility's compliance record that is updated at least bi-monthly and reflects at least one year's compliance record, in a form required by HHSC; and

(2) if a facility has been cited for a violation of residents' rights, a copy of the citation, which must remain in the reports until any regulatory action with respect to the violation is complete and HHSC has determined that the facility is in full compliance with the applicable requirement.

(g) The facility must inform the resident or responsible party or both upon the resident's admission that the inspection reports referenced in subsection (e)(3) of this section are available for review.

(h) A facility must provide the telephone number for reporting cases of suspected abuse, neglect, or exploitation to an immediate family member of a resident of the facility upon the resident's admission to the facility.

(i) A copy of the Texas Health and Safety Code Chapters 242 and 260A must be available for public inspection at the facility.

(j) Within 72 hours after admission, the facility must prepare a written inventory of the personal property a resident brings to the facility, such as furnishings, jewelry, televisions, radios, sewing machines, and medical equipment. See §554.416 of this chapter (relating to Personal Property).

(1) The facility does not have to inventory the resident's clothing; however, the operating policies and procedures must provide for the management of resident clothing and other personal property to prevent loss or damage.

(2) The facility administrator or his or her designee must sign and retain the written inventory and must give a copy to the resident or the resident's responsible party or both.

(3) The facility must revise the written inventory to show if property is lost, destroyed, damaged, replaced, or supplemented.

(4) Upon discharge of the resident, the facility must document the disposition of personal effects by a dated receipt bearing the signature of the resident or the resident's responsible party or both.

(k) Each facility must comply with the provisions of the Texas Health and Safety Code Chapter 250 (relating to Nurse Aide Registry and Criminal History Checks of Employees and Applicants for Employment in Certain Facilities Serving the Elderly or Persons with Disabilities).

(l) Before a facility hires an unlicensed employee, the facility must check the nurse aide registry (NAR) and the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and Safety Code Chapter 810 to determine if the person is employable. If the person's name is on the NAR as unemployable, the facility must not hire the person. If the person's name is listed in the SEMARC, the person is unemployable, and the facility must not hire the person.

(m) A facility is prohibited from hiring or continuing to employ a person who is listed in the NAR as unemployable or is listed in the SEMARC.

(n) A facility must provide notice about the SEMARC to an employee according to §561.3 of this title (relating to Employment and Registry Information).

(o) In addition to the initial search of the NAR and the SEMARC, a facility must:

(1) conduct a search of the NAR and the SEMARC to determine if an employee of the facility remains employable, at least once every 12 months.

(2) keep a copy of the results of the initial and annual searches of the NAR and the SEMARC in the employee's personnel file.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 555. NURSING FACILITY ADMINISTRATORS
SUBCHAPTER C. LICENSES

26 TAC §555.42

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §555.42, concerning Alternate Licensing Requirements for Military Service Personnel.

Section 555.42 is adopted without changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2206). This rule will not be republished.

BACKGROUND AND JUSTIFICATION

The amendment is necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches for nursing facility administrators.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC did not receive any comments regarding the proposed rule.

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services systems; Texas Health and Safety Code Chapter 810, which requires HHSC and HHSC Long-Term Regulation providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code Chapter 242, Subchapter I, which authorizes the executive commissioner of HHSC to adopt rules for nursing facility administrators.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 10, 2026.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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For further information, please call: (512) 438-3161

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CHAPTER 556. NURSE AIDES

26 TAC §§556.3, 556.12 - 556.14

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §556.3, concerning Nurse Aide Training and Competency Evaluation Program (NATCEP) Requirements; §556.12, concerning Waiver, Reciprocity, and Exemption Requirements; §556.13, concerning Findings and Inquiries; and §556.14, concerning Alternate Licensing Requirements for Military Service Personnel.

Sections 556.3, 556.12, and 556.13 are adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2209). These rules will be republished.

Section 556.14 is adopted without changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2209). This rule will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code, Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long-Term Care Regulation (LTCR) or HHSC must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC did not receive any comments regarding the proposed rules.

HHSC made changes to §§556.3(v)(2), 556.12(a)(3), 556.12(b)(3), 556.12(c)(2), and 556.13(j) to clarify how to determine if a person is employable while performing required searches.

STATUTORY AUTHORITY

The amendments are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code §250.0035, which authorizes the executive commissioner of HHSC to adopt rules relating to the nurse aide registry.

§556.3. Nurse Aide Training and Competency Evaluation Program (NATCEP) Requirements.

(a) To train nurse aides, a nursing facility must apply for and obtain approval from HHSC to offer a NATCEP or contract with another entity offering a NATCEP. The nursing facility must participate in Medicare, Medicaid, or both, to apply for approval to be a NATCEP.

(b) A person who wants to offer a NATCEP must file a complete NATCEP application with HHSC through the online portal.

(c) A person applying to offer a NATCEP must submit a separate NATCEP application through the online portal for each location at which training is delivered or administered.

(d) A NATCEP application must identify one or more facilities that the NATCEP uses as a clinical site. The clinical site must have all necessary equipment needed to practice and perform skills training.

(e) A NATCEP may offer clinical training hours in a laboratory setting under the following circumstances:

(1) no appropriate and qualified clinical site is located within 20 miles of the location of the NATCEP; or

(2) HHSC has determined that clinical training provided in a facility poses a risk to an individual's health or safety based on the existence of a disaster declared at the federal or state level. A NATCEP must request the ability to complete clinical training hours in a laboratory setting under the circumstances described in paragraph (1) of this subsection. HHSC will alert the public of the availability of laboratory training under the circumstances described in this paragraph.

(f) HHSC does not approve a NATCEP offered by or in a nursing facility if, within the previous two years, the nursing facility:

(1) has operated under a waiver concerning the services of a registered nurse under §1819(b)(4)(C)(ii)(II) or §1919(b)(4)(C)(i) - (ii) of the Act;

(2) has been subjected to an extended or partially extended survey under §1819(g)(2)(B)(i) or §1919(g)(2)(B)(i) of the Act;

(3) has been assessed a civil money penalty of not less than $5,000 as adjusted annually under 45 Code of Federal Regulations (CFR) Part 102 for deficiencies in nursing facility standards, as described in §1819(h)(2)(B)(ii) or §1919(h)(2)(A)(ii) of the Act;

(4) has been subjected to denial of payment under Title XVIII or Title XIX of the Act;

(5) has operated under state-appointed temporary management to oversee the operation of the facility under §1819(h) or §1919(h) of the Act;

(6) had its participation agreement terminated under §1819(h)(4) or §1919(h)(1)(B)(i) of the Act; or

(7) pursuant to state action, closed or had its residents transferred under §1919(h)(2) of the Act.

(g) Clinical training provided by a NATCEP in a facility other than a nursing facility must be provided under the direct supervision of the NATCEP instructor and cannot be delegated to any staff of the facility.

(h) A NATCEP using an assisted living facility as a clinical site may provide clinical training only in those services that are authorized to be provided to residents under Texas Health and Safety Code Chapter 247.

(i) A NATCEP using an intermediate care facility for an individual with an intellectual disability or related conditions as a clinical site may provide clinical training only in those services that are authorized to be provided to individuals under Texas Health and Safety Code Chapter 252.

(j) A NATCEP using a hospice inpatient unit as a clinical site may provide clinical training only in those services that are authorized to be provided to clients under Texas Health and Safety Code Chapter 142.

(k) A NATCEP using a general or special hospital as a clinical site may provide clinical training only in those services that are authorized to be provided to patients under Texas Health and Safety Code Chapter 241.

(l) A nursing facility that is prohibited from offering a NATCEP under subsection (f) of this section may contract with a person to offer a NATCEP in accordance with §1819(f)(2)(C) and §1919(f)(2)(C) of the Act so long as the person has not been employed by the nursing facility or by the nursing facility's owner and:

(1) the NATCEP is offered to employees of the nursing facility that is prohibited from training nurse aides under subsection (e) of this section;

(2) the NATCEP is offered in, but not by, the prohibited nursing facility;

(3) there is no other NATCEP offered within a reasonable distance from the nursing facility; and

(4) an adequate environment exists for operating a NATCEP in the nursing facility.

(m) A person who wants to contract with a nursing facility in accordance with subsection (l) of this section must submit a completed application to HHSC through the online portal in accordance with §556.4 of this chapter (relating to Filing and Processing an Application for a Nurse Aide Training and Competency Evaluation Program (NATCEP)) and include the name of the prohibited nursing facility in the application. HHSC may withdraw the application within two years of approving it if HHSC determines that the nursing facility is no longer prohibited from offering a NATCEP.

(n) A nursing facility that is prohibited from offering a NATCEP under subsection (f)(3) of this section may request a Centers for Medicare and Medicaid Services waiver of the prohibition related to the civil money penalty in accordance with §1819(f)(2)(D) and §1919(f)(2)(D) of the Act and 42 CFR §483.151(c) if:

(1) the civil money penalty was not related to the quality of care furnished to residents;

(2) the NATCEP submits a request to HHSC for the waiver; and

(3) the Centers for Medicare and Medicaid Services approves the waiver.

(o) A NATCEP must ensure the trainee has completed 100 hours of training. The 100 hours must include:

(1) 60 hours of classroom training:

(A) taught by the NATCEP either in-person or virtually; or

(B) completed by the trainee through HHSC's computer-based training (CBT) within the preceding 12 months; and

(2) 40 hours of clinical training provided by the NATCEP with at least one program instructor for every 10 trainees.

(p) A NATCEP that provides online training must:

(1) maintain records in accordance with subsection (z) of this section and otherwise comply with this chapter;

(2) adopt, implement, and enforce a policy and procedures for establishing that a trainee who registers in an online training is the same trainee who participates in and completes the course and that describe the procedures the NATCEP uses to:

(A) verify a trainee's identity;

(B) ensure protection of a trainee's privacy and personal information; and

(C) document the hours completed by each trainee; and

(3) verify on the NATCEP application that the online course has the security features required under paragraph (2) of this subsection.

(q) A NATCEP must teach the curriculum established by HHSC and described in 42 CFR §483.152. Except as provided in subsection (r) of this section, the NATCEP must include at least 16 introductory hours of classroom training in the following areas before a trainee has any direct contact with a resident:

(1) communication and interpersonal skills;

(2) infection control;

(3) safety and emergency procedures, including ways to assist someone who is choking, such as the Heimlich maneuver;

(4) promoting a resident's independence;

(5) respecting a resident's rights;

(6) basic nursing skills, including:

(A) taking and recording vital signs;

(B) measuring and recording height and weight;

(C) caring for a resident's environment;

(D) recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor; and

(E) caring for a resident when death is imminent;

(7) personal care skills, including:

(A) bathing;

(B) grooming, including mouth care;

(C) dressing;

(D) toileting;

(E) assisting with eating and hydration;

(F) proper feeding techniques;

(G) skin care; and

(H) transfers, positioning, and turning;

(8) mental health and social service needs, including:

(A) modifying the aide's behavior in response to a resident's behavior;

(B) awareness of developmental tasks associated with the aging process;

(C) how to respond to a resident's behavior;

(D) allowing a resident to make personal choices, providing and reinforcing other behavior consistent with the resident's dignity; and

(E) using a resident's family as a source of emotional support;

(9) care of cognitively impaired residents, including:

(A) techniques for addressing the unique needs and behaviors of a resident with a dementia disorder, including Alzheimer's disease;

(B) communicating with a cognitively impaired resident;

(C) understanding the behavior of a cognitively impaired resident;

(D) appropriate responses to the behavior of a cognitively impaired resident; and

(E) methods of reducing the effects of cognitive impairments;

(10) basic restorative services, including:

(A) training a resident in self-care according to the resident's abilities;

(B) use of assistive devices in transferring, ambulation, eating, and dressing;

(C) maintenance of range of motion;

(D) proper turning and positioning in bed and chair;

(E) bowel and bladder training; and

(F) care and use of prosthetic and orthotic devices; and

(11) a resident's rights, including:

(A) providing privacy and maintenance of confidentiality;

(B) promoting the resident's right to make personal choices to accommodate the resident's needs;

(C) giving assistance in resolving grievances and disputes;

(D) providing needed assistance in getting to and participating in resident, family, group, and other activities;

(E) maintaining care and security of the resident's personal possessions;

(F) promoting the resident's right to be free from abuse, mistreatment, and neglect and the need to report any instances of such treatment to appropriate facility staff; and

(G) avoiding the need for restraints in accordance with current professional standards.

(r) If a trainee completes HHSC's 60-hour classroom training CBT, a NATCEP must accept proof of completion of the CBT in lieu of the 16 introductory hours of classroom training in subsection (q) of this section and the eight hours of infection control training in subsection (u) of this section. The NATCEP must ensure that the trainee:

(1) only performs services for which the trainee has been trained and has been found to be proficient by a program instructor;

(2) is under the direct supervision of a licensed nurse when performing skills as part of a NATCEP until the trainee has been found competent by the program instructor to perform that skill;

(3) is under the general supervision of a licensed nurse when providing services to a resident after a trainee has been found competent by the program instructor; and

(4) is clearly identified as a trainee during the clinical training portion of the NATCEP.

(s) A NATCEP that fails to accept proof of completion of the classroom training in accordance with subsection (o)(1)(B) of this section may be subject to §556.8 of this chapter (relating to Withdrawal of Approval of a NATCEP).

(t) A NATCEP must have a program director and a program instructor when the NATCEP applies for initial approval by HHSC in accordance with §556.7 of this chapter (relating to Review and Reapproval of a Nurse Aide Training and Competency Evaluation Program (NATCEP)) and to maintain HHSC approval. The program director and program instructor must meet the requirements of §556.5(b) - (d) of this chapter (relating to Program Director, Program Instructor, Supplemental Trainers, and Skills Examiner Requirements).

(u) Except as provided in subsection (r) of this section, a NATCEP must teach eight hours of infection control that includes the proper use of personal protective equipment (PPE) before a trainee has any direct contact with a resident.

(v) A NATCEP must verify that a trainee:

(1) is not listed on the NAR in revoked status;

(2) is not listed on the Search Engine for Multi-Agency Reportable Conduct established under Texas Health and Safety Code Chapter 810; and

(3) has not been convicted of a criminal offense listed in Texas Health and Safety Code (THSC) §250.006(a) or convicted of a criminal offense listed in THSC §250.006(b) within the five years immediately before participating in the NATCEP.

(w) A NATCEP must ensure that a trainee:

(1) completes the first 16 introductory hours of training (Section I of the curriculum) before having any direct contact with a resident;

(2) only performs services for which the trainee has been trained and has been found to be proficient by a program instructor;

(3) is under the direct supervision of a licensed nurse when performing skills as part of the NATCEP until the trainee has been found competent by the program instructor to perform that skill;

(4) is under the general supervision of a licensed nurse when providing services to a resident after a trainee has been found competent by the program instructor; and

(5) is clearly identified as a trainee during the clinical training portion of the NATCEP.

(x) A NATCEP must submit a NATCEP application through the online portal to HHSC if the information in an approved NATCEP application changes. The NATCEP may not continue training or start new training until HHSC approves the change. HHSC conducts a review of the NATCEP information if HHSC determines the changes are substantive.

(y) A NATCEP must use HHSC Form 5497-NATCEP, Texas Nurse Aide Performance Record, to document major duties or skills taught, trainee performance of a duty or skill, satisfactory or unsatisfactory performance, and the name of the instructor supervising the performance. At the completion of the NATCEP, the trainee and the employer, if applicable, will receive a copy of the performance record. The NATCEP must maintain a copy of the performance record.

(z) A NATCEP must maintain records for each session of classroom training, whether offered in person or online, and of clinical training, and must make these records available to HHSC or its designees at any reasonable time.

(1) The classroom and clinical training records must include:

(A) dates and times of all classroom and clinical training;

(B) the full name and social security number of each trainee;

(C) a record of the date and time of each classroom and clinical training session a trainee attends;

(D) a final course grade that indicates pass or fail for each trainee; and

(E) a physical or electronic sign-in record for each classroom and clinical training session. An electronic sign-in must include a form of identity verification for the trainee conducted in compliance with the requirements of subsection (p)(2) of this section.

(2) If a trainee completes the classroom training by successfully completing HHSC's CBT, a NATCEP must retain records that include a copy of the trainee's certification of completion for the CBT. The certificate of completion must be issued by HHSC and include the date the trainee completed the CBT.

(3) A NATCEP must provide to HHSC, on the NATCEP application through the online portal, the physical address where all records are maintained and must notify HHSC of any change in the address provided.

(aa) A nursing facility must not charge a nurse aide for any portion of a NATCEP, including any fees for textbooks or other required course materials, if the nurse aide is employed by or has received an offer of employment from a facility on the date the nurse aide begins the NATCEP.

(bb) HHSC reimburses a nurse aide for a portion of the costs incurred by the nurse aide to complete a NATCEP if the nurse aide is employed by or has received an offer of employment from a nursing facility within 12 months of completing the NATCEP.

(cc) HHSC must approve a NATCEP before the NATCEP solicits or enrolls trainees.

(dd) HHSC approval of a NATCEP only applies to the required curriculum and hours. HHSC does not approve additional content or hours.

(ee) A new employee or trainee orientation given by a nursing facility to a nurse aide employed by the facility does not constitute a part of a NATCEP.

(ff) A NATCEP that provides training to renew a nurse aide's listing on the NAR must include training in geriatrics and the care of residents with a dementia disorder, including Alzheimer's disease.

§556.12. Waiver, Reciprocity, and Exemption Requirements.

(a) HHSC may waive the requirement for a nurse aide to take the NATCEP specified in §556.3 of this chapter (relating to Nurse Aide Training and Competency Evaluation Program (NATCEP) Requirements) and issue a certificate of registration and place a nurse aide on the Nurse Aide Registry (NAR) on active status if the nurse aide:

(1) submits proof of completing a nurse aide training course of at least 100 hours duration before July 1, 1989, through the online portal;

(2) submits HHSC Form 5506-NAR, Employment Verification, to HHSC through the online portal to document that the nurse aide performed nursing or nursing-related services for monetary compensation at least once every two years since July 1, 1989;

(3) is not listed on the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and Safety Code Chapter 810;

(4) has not been convicted of a criminal offense listed in Texas Health and Safety Code (THSC) §250.006(a) and (c), or convicted of a criminal offense listed in THSC §250.006(b) within the preceding five years; and

(5) completes HHSC Form 5507-NAR, Waiver of Nurse Aide Training and Competency Evaluation Program, and submits it to HHSC through the online portal.

(b) HHSC issues the certificate of registration through the online portal and places a nurse aide on the NAR by reciprocity if:

(1) the nurse aide is listed as having active status on another state's registry of nurse aides;

(2) the other state's registry of nurse aides is in compliance with the Act;

(3) the nurse aide is not listed on the SEMARC;

(4) the nurse aide has not been convicted of a criminal offense listed in THSC §250.006(a) and (c), or convicted of a criminal offense listed in THSC §250.006(b) within the preceding five years; and

(5) the nurse aide completes a Request for Entry on the Texas Nurse Aide Registry Through Reciprocity, via the online portal.

(c) A person is eligible to take a competency evaluation with an exemption from the nurse aide training specified in §556.3 of this chapter if the individual:

(1) meets one of the following requirements for eligibility:

(A) is seeking renewal under §556.9 of this chapter (relating to Certificate of Registration, Nurse Aide Registry, and Renewal);

(B) has successfully completed at least 100 hours of training at a NATCEP in another state within the preceding 24 months but has not taken the competency evaluation or been placed on an NAR in another state;

(C) has successfully completed at least 100 hours of military training, equivalent to civilian nurse aide training, on or after July 1, 1989;

(D) has successfully completed an RN or LVN program at an accredited school of nursing in the United States within the preceding 24 months;

(i) is not licensed as an RN or LVN in the state of Texas; and

(ii) has not held a license as an RN or LVN in another state that has been revoked; or

(E) is enrolled or has been enrolled within the preceding 24 months in an accredited school of nursing in the United States and demonstrates competency in providing basic nursing skills in accordance with the school's curriculum;

(2) is not listed on the SEMARC;

(3) has not been convicted of a criminal offense listed in THSC §250.006(a) and (c), or convicted of a criminal offense listed in THSC §250.006(b) within the preceding five years;

(4) submits documentation to verify at least one of the requirements in paragraph (1) of this subsection;

(5) arranges for a nursing facility or NATCEP to serve as a competency evaluation site; and

(6) before taking the competency evaluation, presents to the skills examiner an original letter from HHSC authorizing the person to take the competency evaluation.

§556.13. Findings and Inquiries.

(a) HHSC reviews and investigates allegations of abuse, neglect, or misappropriation of resident property by a nurse aide employed in a nursing facility. If HHSC finds that a nurse aide committed an act of abuse, neglect, or misappropriation of resident property, before entry of the finding on the Nurse Aide Registry (NAR), HHSC provides the nurse aide an opportunity to dispute the finding through an informal review (IR) and a hearing as described in this section.

(b) If HHSC finds that a nurse aide committed an act of abuse, neglect, or misappropriation of resident property, HHSC sends the nurse aide a written notice regarding the finding. The notice includes:

(1) a summary of the findings and facts on which the findings are based;

(2) a statement informing the nurse aide of the right to an IR to dispute HHSC findings;

(3) a statement informing the nurse aide that a request for an IR must be made within 10 days after the date the nurse aide receives the written notice; and

(4) the address and contact information where the nurse aide must submit a request for an IR.

(c) If a nurse aide requests an IR, HHSC sets a date to allow the nurse aide to dispute the findings of the investigation of abuse, neglect, or misappropriation of resident property. The nurse aide may dispute the findings by providing testimony, in person or by telephone, to impartial HHSC staff.

(1) If HHSC does not uphold the findings, HHSC notifies the nurse aide of the results of the IR and closes the investigation. HHSC does not record information related to the investigation in the NAR.

(2) If HHSC upholds the findings, HHSC notifies the nurse aide of the results of the IR. The nurse aide may request a hearing in accordance with subsection (d) of this section.

(3) If the nurse aide does not request an IR, or fails to appear for a requested IR, HHSC upholds the findings. The nurse aide may request a hearing in accordance with subsection (d) of this section.

(d) A nurse aide may request a hearing after receipt of HHSC notice of the results of an IR described in subsection (c)(2) of this section. Texas Administrative Code (TAC), Title 1, Chapter 357, Subchapter I (relating to Hearings Under the Administrative Procedure Act), and Chapter 110 of this title (relating to Hearings Under the Administrative Procedure Act) govern the hearing, except that a nurse aide must request a formal hearing within 30 days after receipt of HHSC notice in compliance with 42 Code of Federal Regulations §488.335. If the nurse aide fails to request a hearing, the nurse aide waives the opportunity for a hearing and HHSC enters the finding of abuse, neglect, or misappropriation of resident property, as appropriate, on the NAR.

(e) If HHSC receives an allegation that a nurse aide, who has a medication aide permit under Chapter 557 of this title (relating to Medication Aides--Program Requirements), committed an act of abuse, neglect, or misappropriation of resident property, HHSC investigates the allegation under this section regarding the nurse aide practice and under Chapter 557 of this title to determine if the allegation violates the medication aide practice. The investigations run concurrently. If after the investigations, the nurse aide requests hearings on the findings under the nurse aide practice and the medication aide practice, only one hearing, conducted in accordance with subsection (d) of this section, is available to the nurse aide.

(f) If HHSC finds that a nurse aide committed an act of abuse, neglect, or misappropriation of resident property, HHSC reports the finding to:

(1) the NAR;

(2) the nurse aide;

(3) the administrator of the nursing facility in which the act occurred; and

(4) the administrator of the nursing facility that employs the nurse aide, if different from the nursing facility in which the act occurred.

(g) The NAR must include the findings involving a nurse aide listed on the NAR as well as any brief statement of the nurse aide disputing the findings.

(h) The information on the NAR is available to the public.

(i) If an inquiry is made about a nurse aide's status on the NAR, HHSC must:

(1) verify if the nurse aide is listed on the NAR;

(2) disclose information concerning a finding of abuse, neglect, or misappropriation of resident property involving the nurse aide; and

(3) disclose any statement by the nurse aide related to the finding.

(j) If a nurse aide works in a capacity other than a nurse aide in a nursing facility and is listed on the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and

Safety Code Chapter 810, HHSC revokes or suspends the certificate of registration and changes the status of the nurse aide's listing on the NAR to revoked or suspended. The due process available to the nurse aide before placement on the SEMARC satisfies the due process required before HHSC revokes or suspends the certificate of registration and changes the nurse aide's status on the NAR.

(k) If HHSC revokes or suspends the certificate of registration and lists a nurse aide's status on the NAR as suspended or revoked because of a single finding of neglect, the nurse aide may request that HHSC reissue the certificate of registration and remove the finding after the finding has been listed on the NAR for one year. To request removal of the finding, the nurse aide must submit a HHSC Petition for Removal of Neglect Finding to HHSC in accordance with the petition's instructions.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 10, 2026.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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For further information, please call: (512) 438-3161

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CHAPTER 557. MEDICATION AIDES--PROGRAM REQUIREMENTS

26 TAC §§557.107, 557.113, 557.115, 557.119, 557.129

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §557.107, concerning Training Requirements; Nursing Graduates; Reciprocity; §557.113, concerning Determination of Eligibility; §557.115, concerning Permit Renewal; §557.119, concerning Training Program Requirements; and §557.129, concerning Alternate Licensing Requirements for Military Service.

Sections 557.107, 557.113, 557.115, and 557.119 are adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2216). These rules will be republished.

Section 557.129 is adopted without changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2216). This rule will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long Term Care Regulatory (LTCR) or HHSC must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC did not receive any comments regarding the proposed rules.

HHSC made changes to §§557.107(b)(9), 557.113(c)(7), 557.115(a)(5)(C), 557.115(c)(6)(C), and 557.119(b)(4)(B) to clarify how to determine if a person is employable while performing required searches.

STATUTORY AUTHORITY

The amendments are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code Chapter 142, Subchapter B, Texas Health and Safety Code Chapter 242, Subchapter N, and Texas Human Resources Code §161.083, which authorizes the executive commissioner of HHSC to adopt rules for the administration of medication.

§557.107. Training Requirements; Nursing Graduates; Reciprocity.

(a) Each applicant for a permit issued under this chapter must complete a training program unless the applicant meets the requirements of subsection (c) or (e) of this section.

(b) Before submitting an application for a permit under this chapter, an applicant must:

(1) be able to read, write, speak, and understand English;

(2) be at least 18 years of age;

(3) be free of communicable diseases and in suitable physical and emotional health to safely administer medications;

(4) be a high school graduate or have proof of successfully passing a general educational development test;

(5) if a home health medication aide, have satisfactorily completed a home health aide training and competency evaluation program or a competency evaluation program under §558.701 of this title (relating to Home Health Aides);

(6) be employed in a facility or home health agency as a nurse aide or nonlicensed direct care staff person on the first official day of the applicant's medication aide training program;

(7) have been employed:

(A) as a nurse aide in a Medicare-skilled nursing facility or a Medicaid nursing facility; or

(B) in a facility or by a home health agency for 90 days as a nonlicensed direct care staff person during the 12-month period before the first official day of the applicant's medication aide training program;

(8) not have a criminal history that HHSC determines is a basis for denying the permit under §557.121 of this chapter (relating to Permitting of Persons with Criminal Backgrounds);

(9) not be listed on the Search Engine for Multi-Agency Reportable Conduct established under Texas Health and Safety Code Chapter 810; and

(10) not be listed with a revoked or suspended status on the NAR.

(c) A person who is attending or has attended an accredited school of nursing and who does not hold a license to practice professional or vocational nursing meets the training requirement for issuance of a permit under this chapter if the person:

(1) attended the nursing school no earlier than January 1 of the year immediately preceding the year of application for a permit under this chapter;

(2) successfully completed courses at the nursing school that covered the HHSC curriculum for a medication aide training program;

(3) submits a statement, with the application for a permit and combined permit application and examination fee as provided in §557.109 of this chapter (relating to Application Procedures), on the form provided by HHSC, signed by the nursing school's administrator or other authorized individual, certifying that the person completed the courses specified in paragraph (2) of this subsection; and

(4) complies with subsection (e)(5) and (6) of this section.

(d) The administrator or other authorized individual referred to in subsection (c)(3) of this section is responsible for determining that the nursing school courses cover HHSC curriculum.

(e) A person who is a graduate of an accredited school of nursing and who does not hold a license to practice professional or vocational nursing meets the training requirement for issuance of a permit under this chapter if the date of graduation from the nursing school was no earlier than January 1 of the year immediately preceding the year of application for a permit under this chapter.

(1) The applicant must submit an official application form to HHSC through the online portal. The applicant must meet the requirements of subsection (b)(1) - (4), (8), and (9) of this section.

(2) The application must be accompanied by the combined permit application and examination fee as set out in §557.109(c) of this chapter.

(3) The applicant must include an official transcript documenting graduation from an accredited school of nursing.

(4) HHSC acknowledges receipt of the application by sending the applicant a copy of this chapter and the HHSC open book examination.

(5) The applicant must complete the open book examination and return it to HHSC via email by the date given in the examination notice.

(6) The applicant must complete the HHSC written examination. HHSC denies the application of an applicant who fails to schedule and take the written examination by the date given in the examination notice.

(7) The open-book or written examination may not be retaken if the applicant fails the examination.

(8) Upon successful completion of the open-book and written examinations, HHSC evaluates all application documents submitted by the applicant.

(9) HHSC notifies the applicant of the examination results through the online portal.

(f) A person who holds a valid license, registration, certificate, or permit as a medication aide issued by another state whose minimum standards or requirements are substantially equivalent to or exceed the requirements of this chapter that is in effect at the time of application, may request a waiver of the training program requirement as follows:

(1) The applicant must submit an official application form to HHSC through the online portal. The applicant must meet the requirements of subsection (b)(1) - (4), (8), and (9) of this section.

(2) The application must be accompanied by the combined permit application and examination fee required in §557.109(c) of this chapter.

(3) The application must include a current copy of the rules of the other state governing its licensing and regulation of medication aides, a copy of the legal authority (law, act, code, or other) for the state's licensing program, and a certified copy of the license or certificate for which the reciprocal permit is requested.

(4) HHSC acknowledges receipt of the application by sending the applicant a copy of this chapter and the HHSC open book examination.

(5) HHSC may contact the issuing agency to verify the applicant's status with the agency.

(6) The applicant must complete the HHSC open-book examination and return it to HHSC via email by the date given in the examination notice.

(7) The applicant must complete the HHSC written examination. The site of the examination is determined by HHSC. HHSC denies the application of an applicant failing to schedule and take the examination by the date given in the examination notice.

(8) An open-book or written examination may not be retaken if the applicant fails the examination.

(9) Upon successful completion of the two examinations, HHSC evaluates all application documents submitted by the applicant.

(10) HHSC notifies the applicant of the examination results through the online portal.

§557.113. Determination of Eligibility.

(a) HHSC approves or denies each application for a permit.

(b) HHSC provides notices of application approval, denial, or deficiency in accordance with §557.127 of this chapter (relating to Application Processing).

(c) HHSC denies an application for a permit if the applicant:

(1) does not meet the requirements in §557.107 of this chapter (relating to Training Requirements; Nursing Graduates; Reciprocity) or §557.125 of this chapter (relating to Requirements for Corrections Medication Aides);

(2) fails to pass the examination prescribed by HHSC, as referenced in §557.111 of this chapter (relating to Examination), or developed by TDCJ, as referenced in §557.125(h) of this chapter;

(3) fails or refuses to properly complete or submit an application form or fee through the online portal, or deliberately submits false information on any form or document required by HHSC;

(4) violates or conspires to violate Texas Health and Safety Code Chapter 242, Subchapter N, Texas Human Resources Code §161.083, or any provision of this chapter;

(5) has a criminal history that HHSC determines is a basis for denying the permit under §557.121 of this chapter (relating to Permitting of Persons with Criminal Backgrounds);

(6) is listed with a revoked or suspended status on the HHSC NAR; or

(7) is listed on the Search Engine for Multi-Agency Reportable Conduct established under Texas Health and Safety Code Chapter 810.

(d) If, after review, HHSC determines that the application should be denied, HHSC gives the applicant written notice of the reason for the proposed decision and of the opportunity for a formal hearing in accordance with §557.123(c)(3) of this chapter (relating to Violations, Complaints, and Disciplinary Actions).

§557.115. Permit Renewal.

(a) General.

(1) An initial permit is valid for 12 months from the date of issue.

(2) A medication aide must renew his or her permit annually.

(3) Each medication aide is responsible for renewing the permit before the expiration date. Failure to receive notification from HHSC before the expiration date of the permit does not excuse a medication aide's failure to file for timely renewal.

(4) Continuing education hours are not required for the first renewal. However, after a permit is renewed for the first time, a medication aide must complete a seven-hour continuing education program approved by HHSC annually before expiration of his or her permit to renew the permit for each additional year.

(5) HHSC denies renewal of the permit of a medication aide who:

(A) is in violation of Texas Health and Safety Code Chapter 242, Subchapter N, Texas Human Resources Code §161.083, or this chapter at the time of application for renewal;

(B) has a conviction of a criminal offense listed in Texas Health and Safety Code §250.006(a) or (c), or a conviction of a criminal offense listed in Texas Health and Safety Code §250.006(b) within five years before the date HHSC receives the renewal application;

(C) is listed on the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and Safety Code Chapter 810; or

(D) is listed with a revoked or suspended status on the NAR.

(6) A person whose permit has expired may not engage in activities that require a permit until the permit has been renewed.

(b) Permit renewal procedures.

(1) After receiving proof of the successful completion of the seven hour continuing education requirement, HHSC sends notice of the amount of the renewal fee due and a renewal form to the medication aide through the online portal.

(2) The renewal form located in the online portal, which includes the contact information and preferred mailing address of the medication aide.

(3) Medication aides are required to submit fingerprints to the Texas Department of Public Safety for a Federal Bureau of Investigation criminal background check, if not submitted previously.

(4) HHSC issues a renewal permit to a medication aide who meets all requirements for renewal, including payment of the renewal fee.

(c) Late renewal procedures.

(1) If a medication aide submits a renewal application to HHSC through the online portal that is late or incomplete, HHSC assesses the appropriate late fee described in §557.109(c)(1)(C) of this chapter (relating to Application Procedures). HHSC uses the submission date in the online portal to determine if a renewal application is late.

(2) A person whose permit has been expired for less than one year may renew the permit through the online portal by submitting to HHSC:

(A) the permit renewal form;

(B) all accrued renewal fees;

(C) proof of having earned, during the expired period, seven hours in an approved continuing education program for each year, or part of a year, since the permit expired; and

(D) proof of having earned, before expiration of the permit, seven hours in an approved continuing education program as required by subsection (a)(4) of this section.

(3) A person whose permit has been expired for 90 days or less must pay HHSC the late renewal fee provided in §557.109(c)(1)(C)(i) of this chapter or §557.125(g)(3)(A) of this chapter (relating to Requirements for Corrections Medication Aides).

(4) A person whose permit has been expired for more than 90 days but less than one year must pay HHSC the late renewal fee stated in §557.109(c)(1)(C)(ii) or §557.125(g)(3)(B) of this chapter.

(5) A person who previously held a permit in Texas issued under this chapter may obtain a new permit without reexamination if the person holds a medication aide permit from another state, practiced in that state for at least the two years preceding the application date, and pays to HHSC the late renewal fee stated in §557.109(c)(1)(C)(iii) of this chapter.

(6) HHSC denies late renewal of the permit if a permit holder:

(A) is in violation of Texas Health and Safety Code Chapter 242, Subchapter N, Texas Human Resources Code §161.083, or this chapter on the date HHSC receives the application for late renewal;

(B) has a conviction of a criminal offense listed in Texas Health and Safety Code §250.006(a) or (c), or a conviction of a criminal offense listed in Texas Health and Safety Code §250.006(b) within five years before the date HHSC receives the application for late renewal;

(C) is listed on the SEMARC; or

(D) is listed with a revoked or suspended status on the NAR.

(d) A person whose permit has been expired for one year or more may not renew the permit. To obtain a new permit, the person must apply for a permit in accordance with §557.109 of this chapter and in §557.111 of this chapter (relating to Examination).

§557.119. Training Program Requirements.

(a) Application. An educational institution accredited by the Texas Workforce Commission or Texas Higher Education Coordinating Board that wants to offer a training program must file an application for approval on an HHSC form through the online portal. Programs sponsored by state agencies for the training and preparation of state employees are exempt from the accreditation requirement. An approved institution may offer the training program and a continuing education program.

(1) The application through the online portal must include:

(A) the anticipated dates of the program;

(B) the location of the classroom instruction and training course;

(C) the name of the coordinator of the program;

(D) a list that includes the address and telephone number of each instructor and any other persons responsible for the conduct of the program; and

(E) an outline of the program content and curriculum if the curriculum covers more than HHSC established curricula.

(2) HHSC may conduct an inspection of the classroom instruction and training site.

(3) HHSC sends notice of approval or proposed denial of the application to the program within 30 days after receiving a complete application through the online portal. If HHSC proposes to deny the application due to noncompliance with the requirements of this chapter, it provides the reasons for denial in the notice.

(4) An applicant may request in writing a hearing on a proposed denial. The applicant must submit a request within 15 days after the applicant receives notice of the proposed denial. The hearing is governed by 1 Texas Administrative Code Chapter 357, Subchapter I (relating the Hearings under the Administrative Procedure Act); Chapter 110 of this title (relating to Hearings under the Administrative Procedure Act); and Texas Government Code Chapter 2001. If no request is made, the applicant has waived the opportunity for a hearing, and HHSC takes the proposed action.

(b) Basic training program.

(1) A training program must include the following instruction and training:

(A) procedures for preparation and administration of medications;

(B) responsibility, control, accountability, storage, and safeguarding of medications;

(C) use of reference material;

(D) documentation of medications in resident's or client's clinical records, including PRN medications;

(E) minimum licensing standards for facilities covering pharmaceutical service, nursing service, and clinical records;

(F) federal and state certification standards for participation under Title XVIII (Medicare) and Title XIX (Medicaid) of the Social Security Act pertaining to pharmaceutical service, nursing service, and clinical records;

(G) lines of authority in the facility, including facility personnel who are immediate supervisors;

(H) responsibilities and liabilities associated with the administration and safeguarding of medications;

(I) allowable and prohibited practices of medication aides in the administration of medication;

(J) drug reactions and side effects of medications commonly administered to residents or clients; and

(K) rules covering the medication aide program.

(2) The program must consist of 140 hours in the following sequence: 100 hours of classroom instruction and training; 20 hours of return skills demonstration laboratory; 10 hours of clinical experience, including clinical observation and skills demonstration under the direct supervision of a licensed nurse in a facility; and 10 hours of return skills demonstration laboratory. A classroom instruction and training or laboratory hour must include 50 minutes of actual classroom instruction and training or laboratory time.

(A) Class time must not exceed:

(i) four hours in a 24-hour period for a facility training program; or

(ii) eight hours in a 24-hour period for a correctional facility training program.

(B) The completion date of the program must be:

(i) a minimum of 60 days and a maximum of 180 days after the starting date of the facility training program; or

(ii) a minimum of 30 days and a maximum of 180 days after the starting date of a correctional facility training program.

(3) Each program must follow the curricula established by HHSC.

(4) Before a student begins a training program, the program must:

(A) ensure the student meets training requirements in §557.107(b)(1) - (9) of this chapter (relating to Training Requirements; Nursing Graduates; Reciprocity);

(B) check the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and Safety Code Chapter 810 to ensure the student is not listed; and

(C) check the NAR to verify if the student is listed in revoked or suspended status.

(5) At least seven days before the beginning of a training program, the coordinator must notify HHSC in writing through the online portal of the dates and daily hours of the program and the projected number of students.

(6) A change in any information presented by the program in an approved application, including location, instructors, and content must be approved by HHSC through the online portal before the change is implemented.

(7) The program instructors of the classroom instruction and training hours must be a registered nurse and registered pharmacist.

(A) The nurse instructor must have:

(i) a minimum of two years of experience in caring for individuals in a long-term care setting or be an instructor in a school of nursing, for a facility training program; or

(ii) a minimum of two years of experience employed in a correctional setting or be an instructor in a school of nursing, for a correctional facility program.

(B) The pharmacist instructor must have:

(i) a minimum of one year of experience and be currently employed or contracted as a consultant pharmacist in a facility; or

(ii) a minimum of one year of experience employed or contracted as a pharmacist in a correctional setting.

(8) The program coordinator must provide clearly defined and written policies regarding each student's clinical experience to the

student, the administrator, and the director of nursing in the facility used for the clinical experience.

(A) The clinical experience must be counted only when the student is performing functions involving medication administration and under the direct supervision of a licensed nurse.

(B) The program coordinator must be responsible for final evaluation of the student's clinical experience.

(9) Each program must issue to each student, upon successful completion of the program, a certificate of completion, which must include the program's name, the student's name, the date of completion, and the signature of the program coordinator or administrative official.

(10) Each program must inform HHSC through the online portal on the HHSC class roster form of the final grade results for each student within 15 days after the student's completion of the course and prior to scheduling the exam.

(11) A student without an HHSC-approved criminal background check will not be allowed to take the exam.

(c) Continuing education training program.

(1) The program must consist of at least seven hours of classroom instruction and training or online instruction.

(2) The instructors must meet the requirements in subsection (b)(7) of this section.

(3) Each program must follow the curricula established by HHSC or the curriculum established by TDCJ for corrections medication aides, as applicable.

(4) Within 10 days after a medication aide's completion of the course, each program must inform HHSC through the online portal using the HHSC class roster form of the name of each medication aide who has completed the course.

(d) In developing a training program for corrections medication aides that complies with Texas Government Code §501.1485, TDCJ may modify, as appropriate, the content of the training program curriculum originally developed under Texas Health and Safety Code Chapter 242 to produce content suitable for administering medication in a correctional facility. The training program curriculum must be approved by HHSC.

(e) Subsection (c) of this section applies to a training program for medication aides and corrections medication aides.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 10, 2026.

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Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: July 30, 2026
Proposal publication date: April 3, 2026
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CHAPTER 559. DAY ACTIVITY AND HEALTH SERVICES REQUIREMENTS

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §559.3, concerning Definitions; §559.51, concerning Compliance; and §559.225, concerning General Requirements.

Sections 559.3, 559.51, and 559.225 are adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2223). These rules will be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long-Term Care Regulation (LTCR) must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC received a comment regarding the proposed rules from one commenter. HHSC received comments from the Texas Academy of Nutrition and Dietetics. A summary of comments relating to the rules and HHSC's responses follows.

Comment: The commenter suggested making changes to the term "dietician consultant" in §559.3(20) to require dietician consultants to be licensed dieticians.

Response: HHSC declines to make the suggested change at this time. HHSC will address the requested definition in a future rule project to ensure the public has the opportunity to comment on the proposed definition.

HHSC made a minor editorial change to §559.3(1) to add a word that was inadvertently deleted from the proposal.

HHSC made changes to §§559.51(b)(3), 559.225(a)(3)(A), and 559.225(b)(1) to clarify how to determine if a person is employable while performing required searches.

SUBCHAPTER A. INTRODUCTION

26 TAC §559.3

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system and Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Human Resources Code §103.004, which authorizes the executive commissioner of HHSC to adopt rules for day activity and health services.

§559.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Abuse--Negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly or disabled person by the person's caretaker, family member, or other individual who has

an ongoing relationship with the person, or sexual abuse of an elderly or disabled person, including any involuntary or nonconsensual sexual conduct that would constitute an offense under Texas Penal Code §21.08 (relating to Indecent Exposure) or Texas Penal Code Chapter 22 (relating to Assaultive Offenses) committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.

(2) Actual harm--A negative outcome that compromises the physical, mental, or emotional well-being of an elderly person or a person with a disability receiving services at a facility.

(3) Adult--A person 18 years of age or older or an emancipated minor.

(4) Affiliate--With respect to a:

(A) partnership, each partner of the partnership;

(B) corporation, each officer, director, principal stockholder, and subsidiary; and each person with a disclosable interest;

(C) natural person, includes each:

(i) person's spouse;

(ii) partnership and each partner thereof, of which said person or any affiliate of said person is a partner; and

(iii) corporation in which the person is an officer, director, principal stockholder, or person with a disclosable interest.

(5) Alzheimer's disease and related disorders--Alzheimer's disease and any other irreversible dementia described by the Centers for Disease Control and Prevention (CDC) or the most current edition of the Diagnostic and Statistical Manual of Mental Disorders.

(6) Ambulatory--Mobility not relying on walker, crutch, cane, or other physical object or use of wheelchair.

(7) Applicant--A person applying for a license under Texas Human Resources Code Chapter 103.

(8) Change of ownership--An event that results in a change to the federal taxpayer identification number of the license holder of a facility. The substitution of a personal representative for a deceased license holder is not a change of ownership.

(9) Client--An individual receiving day activity and health services.

(10) Construction, existing--See existing building in paragraph (27) of this section.

(11) Construction, new--Construction begun after April 1, 2007.

(12) Construction, permanent--A building or structure that meets a nationally recognized building code's details for foundations, floors, walls, columns, and roofs.

(13) Controlling person--A person with the ability, acting alone or with others, to directly or indirectly influence, direct, or cause the direction of management, expenditure of money, or policies of a facility or other person. A controlling person includes:

(A) a management company, landlord, or other business entity that operates or contracts with others for the operation of a facility;

(B) any person who is a controlling person of a management company or other business entity that operates a facility or that contracts with another person for the operation of a facility;

(C) an officer or director of a publicly traded corporation that is, or that controls, a facility, management company, or other business entity described in subparagraph (A) of this paragraph but does not include a shareholder or lender of the publicly traded corporation; and

(D) any other individual who, because of a personal, familial, or other relationship with the owner, manager, landlord, tenant, or provider of a facility, is in a position of actual control or authority with respect to the facility, without regard to whether the individual is formally named as an owner, manager, director, officer, provider, consultant, contractor, or employee of the facility, except an employee, lender, secured creditor, landlord, or other person who does not exercise formal or actual influence or control over the operation of a facility.

(14) DADS--The term referred to the Texas Department of Aging and Disability Services; it now refers to HHSC.

(15) DAHS--Day activity and health services. Health, social, and related support services as defined in this section.

(16) DAHS facility--A facility that provides services through a day activity and health services program on a daily or regular basis, but not overnight, to four or more elderly persons or persons with disabilities who are not related to the owner of the facility by blood, marriage, or adoption.

(17) DAHS program--A structured, comprehensive program offered by a DAHS facility that is designed to meet the needs of adults with functional impairments by providing DAHS in accordance with individual plans of care in a protective setting.

(18) Days--Calendar days, unless otherwise specified.

(19) Department--HHSC.

(20) Dietitian consultant--A person licensed as a dietitian by the Texas Department of Licensing and Regulation or a person with a bachelor's degree with major studies in food and nutrition, dietetics, or food service management.

(21) Direct ownership interest--Ownership of equity in the capital, stock, or profits of, or a membership interest in, an applicant or license holder.

(22) Direct service staff--An employee or contractor of a facility who directly provides services to individuals, including the director, a licensed nurse, the activities director, and an attendant. An attendant includes a driver, food service worker, aide, janitor, housekeeper, and laundry worker. A dietitian consultant is not a member of the direct service staff.

(23) Director--The person responsible for the overall operation of a facility.

(24) Disclosable interest--Five percent or more direct or indirect ownership interest in an applicant or license holder.

(25) Elderly person--A person 65 years of age or older.

(26) Executive commissioner--The executive commissioner of HHSC.

(27) Existing building--A building or portion thereof that, at the time of initial inspection by HHSC, is used as an adult day care occupancy, as defined by Life Safety Code, NFPA 101, 2000 edition, Chapter 17 for existing adult day care occupancies; or has been converted from another occupancy or use to an adult day care occupancy, as defined by Chapter 16 for new adult day care occupancies.

(28) Exploitation--An illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing re-

lationship with the elderly person or person with a disability, using the resources of an elderly person or person with a disability for monetary or personal benefit, profit, or gain without the informed consent of the elderly person or person with a disability.

(29) Facility--A licensed DAHS facility.

(30) Fence--A barrier to prevent elopement of an individual or intrusion by an unauthorized person, consisting of posts, columns, or other support members, and vertical or horizontal members of wood, masonry, or metal.

(31) FM--FM Global (formerly known as Factory Mutual). A corporation whose approval of a product indicates a level of testing and certification that is acceptable to HHSC.

(32) Fraud--A deliberate misrepresentation or intentional concealment of information to receive or to be reimbursed for service delivery to which an individual is not entitled.

(33) Functional impairment--A condition that requires assistance with one or more personal care services.

(34) Health assessment--An assessment of an individual by a facility used to develop the individual's plan of care.

(35) Health services--Services that include personal care, nursing, and therapy services.

(A) Personal care services include:

(i) bathing;

(ii) dressing;

(iii) preparing meals;

(iv) feeding;

(v) grooming;

(vi) taking self-administered medication;

(vii) toileting;

(viii) ambulation; and

(ix) assistance with other personal needs or maintenance.

(B) Nursing services may include:

(i) administering medications;

(ii) physician-ordered treatments, such as dressing changes; and

(iii) monitoring the health condition of the individual.

(C) Therapy services may include:

(i) physical therapy;

(ii) occupational therapy; and

(iii) speech therapy.

(36) HHSC--The Texas Health and Human Services Commission.

(37) Human service program--An intentional, organized, ongoing effort designed to provide good to others. The characteristics of a human service program are:

(A) dependent on public resources and are planned and provided by the community;

(B) directed toward meeting human needs arising from day-to-day socialization, health care, and developmental experiences; and

(C) used to aid, rehabilitate, or treat people in difficulty or need.

(38) Human services--Include:

(A) personal social services, including:

(i) DAHS;

(ii) counseling;

(iii) in-home care; and

(iv) protective services;

(B) health services, including:

(i) home health;

(ii) family planning;

(iii) preventive health programs;

(iv) nursing facility; and

(v) hospice;

(C) education services, meaning:

(i) all levels of school;

(ii) Head Start; and

(iii) vocational programs;

(D) housing and urban environment services, including public housing;

(E) income transfer services, including:

(i) Temporary Assistance for Needy Families; and

(ii) Supplemental Nutrition Assistance Program; and

(F) justice and public safety services, including:

(i) parole and probation; and

(ii) rehabilitation.

(39) Immediate threat to the health or safety of an elderly person or a person with a disability--A situation that causes, or is likely to cause, serious injury, harm, or impairment to, or the death of an elderly person or a person with a disability receiving services at a facility.

(40) Indirect ownership interest--Any ownership or membership interest in a person who has a direct ownership interest in an applicant or license holder.

(41) Individual--A person who applies for or is receiving services at a facility.

(42) Isolated--When a very limited number of elderly persons, or persons with disabilities, receiving services at a facility are affected and a very limited number of staff are involved, or the situation has occurred only occasionally.

(43) License holder--A person who holds a license to operate a facility.

(44) Life Safety Code, NFPA 101--The Code for Safety to Life from Fire in Buildings and Structures, NFPA 101, a publication of the National Fire Protection Association, Inc. that:

(A) addresses the construction, protection, and occupancy features necessary to minimize danger to life from fire, including smoke, fumes, or panic; and

(B) establishes minimum criteria for the design of egress features to permit prompt escape of occupants from buildings or, where desirable, into safe areas within the building.

(45) Long-term care facility--A facility that provides care and treatment or personal care services to four or more unrelated persons, including:

(A) a nursing facility licensed under Texas Health and Safety Code Chapter 242;

(B) an assisted living facility licensed under Texas Health and Safety Code Chapter 247; and

(C) an intermediate care facility serving individuals with an intellectual disability or related conditions licensed under Texas Health and Safety Code Chapter 252.

(46) LVN--Licensed vocational nurse. A person licensed by the Texas Board of Nursing who works under the supervision of an RN or a physician.

(47) Management services--Services provided under contract between the owner of a facility and a person to provide for operation of a facility, including administration, staffing, maintenance, and delivery of services. Management services do not include contracts solely for maintenance, laundry, or food services.

(48) Manager--A person who has a contractual relationship to provide management services to a facility.

(49) Medically related program--A program providing the services listed in paragraph (37)(B) of this section.

(50) Neglect--Failure to provide for oneself goods or services, including medical services, that are necessary to avoid physical harm, mental anguish, or mental illness; or failure of a caregiver to provide these goods or services.

(51) NFPA--The National Fire Protection Association. The NFPA is an organization that develops codes, standards, recommended practices, and guides through a consensus standards development process approved by the American National Standards Institute.

(52) NFPA 10--Standard for Portable Fire Extinguishers. A standard developed by the NFPA for selection, installation, inspection, maintenance, and testing of portable fire extinguishing equipment.

(53) NFPA 13--Standard for the Installation of Sprinkler Systems. A standard developed by the NFPA for the minimum requirements for design and installation of automatic fire sprinkler systems, including the character and adequacy of water supplies and selection of sprinklers, fittings, pipes, valves, and all maintenance and accessories.

(54) NFPA 70--National Electrical Code. A code developed by the NFPA for installation of electric conductors and equipment.

(55) NFPA 72--National Fire Alarm Code. A code developed by the NFPA for the application, installation, performance, and maintenance of fire alarm systems and fire alarm system components.

(56) NFPA 90A--Standard for the Installation of Air Conditioning and Ventilating Systems. A standard developed by the NFPA for systems for the movement of environmental air in structures that serve spaces over 25,000 cubic feet or buildings of certain heights and construction types, or both.

(57) NFPA 90B--Standard for the Installation of Warm Air Heating and Air-Conditioning Systems. A standard developed by the NFPA for systems for movement of environmental air in one- or two-family dwellings and structures that serve spaces not exceeding 25,000 cubic feet.

(58) NFPA 96--Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations. A standard developed by the NFPA that provides the minimum fire safety requirements related to design, installation, operation, inspection, and maintenance of all public and private cooking operations, except for single-family residential usage.

(59) Nurse--An RN or LVN licensed in the state of Texas.

(60) Nursing services--Services provided by a nurse, including:

(A) observation;

(B) promoting and maintaining health;

(C) preventing illness and disability;

(D) managing health care during acute and chronic phases of illness;

(E) guiding and counseling individuals and families; and

(F) referral to physicians, other health care providers, and community resources when appropriate.

(61) Online portal--A secure portal provided on the HHSC website for licensure activities, including for a DAHS facility applicant to submit licensure applications and information.

(62) Pattern of violation--Repeated, but not widespread in scope, failures of a facility to comply with Texas Human Resources Code Chapter 103, or a rule, standard, or order adopted under Texas Human Resources Code Chapter 103 that:

(A) result in a violation; and

(B) are found throughout the services provided by the facility or that affect or involve the same elderly persons or persons with disabilities receiving services at the facility or the same facility employees.

(63) Person--An individual, corporation, or association.

(64) Person with a disability--A person whose functioning is sufficiently impaired to require frequent medical attention, counseling, physical therapy, therapeutic or corrective equipment, or another person's attendance and supervision.

(65) Plan of care--A written plan, based on a health assessment and developed jointly by a facility and an individual or the individual's responsible party, that documents the functional impairment of the individual and the DAHS needed by the individual.

(66) Potential for minimal harm--A violation that has the potential for causing no more than a minor negative impact to an individual.

(67) Protective setting--A setting in which an individual's safety is ensured by the physical environment by staff.

(68) Related support services--Services to an individual, family member, or caregiver that may improve the person's ability to assist with an individual's independence and functioning. Services include:

(A) information and referral;

(B) transportation;

(C) teaching caregiver skills;

(D) respite;

(E) counseling;

(F) instruction and training; and

(G) support groups.

(69) Responsible party--A person designated by an individual as the individual's representative.

(70) RN--Registered nurse. A person licensed by the Texas Board of Nursing to practice professional nursing.

(71) Safety--Protection from injury or loss of life due to conditions such as fire, electrical hazard, unsafe building or site conditions, and presence of hazardous materials.

(72) Sanitation--Protection from illness, transmission of disease, or loss of life due to unclean surroundings, the presence of disease transmitting insects or rodents, unhealthful conditions or practices in preparation of food and beverage, or care of personal belongings.

(73) Semi-ambulatory--Mobility relying on a walker, crutch, cane, or other physical object, or independent use of wheelchair.

(74) Serious injury--An injury requiring emergency medical intervention or treatment by medical personnel, either at a facility or at an emergency room or medical office.

(75) Social activities--Therapeutic, educational, cultural enrichment, recreational, and other activities in a facility or in the community provided as part of a planned program to meet the social needs and interests of an individual.

(76) TAC--Texas Administrative Code.

(77) UL--Underwriters Laboratories, Inc. A corporation whose approval of a product indicates a level of testing and certification that is acceptable to HHSC.

(78) Widespread in scope--A violation of Texas Human Resources Code Chapter 103, or a rule, standard, or order adopted under Texas Human Resources Code Chapter 103, that:

(A) is pervasive throughout the services provided by the facility; or

(B) represents a systematic failure by the facility that affects or has the potential to affect a large portion or all the elderly persons or persons with disabilities receiving services at the facility.

(79) Willfully interfere--To act or not act to intentionally prevent, interfere with, or impede.

(80) Working with people--Acts involving delivery of services to individuals either directly or indirectly. Experience as a manager would meet this definition; however, experience in an administrative support position such as a bookkeeper does not. Experience does not have to be in a paid capacity.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER D. STANDARDS FOR LICENSURE

26 TAC §559.51

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system and Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Human Resources Code §103.004, which authorizes the executive commissioner of HHSC to adopt rules for day activity and health services.

§559.51. Compliance.

(a) For purposes of this section, "reportable conduct" includes:

(1) abuse or neglect that causes or may cause death or harm to a client;

(2) sexual abuse of a client;

(3) financial exploitation of a client in the amount of $25 or more; or

(4) emotional, verbal, or psychological abuse that causes harm to a client.

(b) A facility must:

(1) comply with the requirements for advance directives as outlined under §559.53 of this subchapter (relating to Maintenance of Policies and Procedures);

(2) comply with the provisions of Texas Health and Safety Code Chapter 250 (relating to Nurse Aide Registry and Criminal History Checks of Employees and Applicants for Employment in Certain Facilities Serving the Elderly, Persons with Disabilities, or Persons with Terminal Illness);

(3) before hiring an individual, the facility must search the HHSC internet website, nurse aide registry (NAR), and the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established by Texas Health and Safety Code Chapter 810 to determine if the person is employable:

(A) if the person is listed on the NAR as unemployable, the facility must not hire the person;

(B) if the person's name is on the SEMARC, the person is unemployable, and the facility must not hire the person;

(C) provide information about the SEMARC to an employee in accordance with §561.3 of this title (relating to Employment and Registry Information);

(D) search the NAR and the SEMARC at least once every 12 months to determine if the employee remains employable;

(E) keep a copy of the results of the initial and annual searches of the NAR, and the SEMARC in the employee's personnel file; and

(F) suspend the employment of an employee who HHSC finds has engaged in reportable conduct, as defined in subsection (a) of this section, while the employee exhausts any applicable appeals process, including informal and formal appeals and any hearing or judicial review, pending a final decision by an administrative law judge, and not reinstate the employee's employment or contract during any applicable appeals process;

(4) develop policies to comply with standards for universal precautions for HIV/AIDS and related conditions in the workplace;

(5) develop written policies for control of communicable diseases in employees and clients, which include tuberculosis screening and provision of a safe and sanitary environment for clients and their families;

(6) comply with all relevant federal and state standards; and

(7) comply with all applicable provisions of Texas Human Resource Code Chapter 102.

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SUBCHAPTER H. INDIVIDUALIZED SKILLS AND SOCIALIZATION PROVIDER REQUIREMENTS
DIVISION 3. PROVIDER REQUIREMENTS

26 TAC §559.225

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system and Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Human Resources Code §103.004, which authorizes the executive commissioner of HHSC to adopt rules for day activity and health services.

§559.225. General Requirements.

(a) An individualized skills and socialization provider must:

(1) comply with the provisions of Texas Health and Safety Code (HSC)Chapter 250 (relating to Nurse Aide Registry and Criminal History Checks of Employees and Applicants for Employment in Certain Facilities Serving the Elderly, Persons with Disabilities, or Persons with Terminal Illnesses);

(2) before offering employment to any person, search the following registries to determine if the person is eligible for employment:

(A) the Search Engine for Multi-Agency Reportable Conduct (SEMARC)established under Texas Health and Safety Code Chapter 810;

(B) the nurse aide registry (NAR) and medication aide registry (MAR);

(C) the List of Excluded Individuals and Entities (USLEIE) maintained by the United States Department of Health and Human Services; and

(D) the List of Excluded Individuals and Entities (LEIE) maintained by HHSC Office of Inspector General;

(3) not employ a person who is listed on the:

(A) SEMARC; or

(B) HHSC nurse or medication aide registries as revoked or suspended; and

(4) provide information about the SEMARC to an employee in accordance with §561.3 of this title (relating to Employment and Registry Information).

(b) In addition to the initial search of the LEIE, NAR, MAR, USLEIE, and the SEMARC an individualized skills and socialization provider must:

(1) conduct a search of the NAR, MAR, and SEMARC at least once every 12 months to determine if the employee remains employable;

(2) keep a copy of the results of the initial and annual searches of the NAR, MAR, and the SEMARC in the employee's personnel file and make it available to HHSC upon request; and

(3) comply with all relevant federal and state standards.

(c) An individualized skills and socialization provider must:

(1) report abuse, neglect, and exploitation in accordance with §559.241 of this subchapter (relating to Reporting Abuse, Neglect, or Exploitation to HHSC);

(2) suspend a service provider who HHSC finds has engaged in reportable conduct while the service provider exhausts any applicable appeals process, including informal and formal appeals and any hearing or judicial review, pending a final decision by an administrative law judge, and may not reinstate the service provider during any applicable appeals process;

(3) develop and enforce policies and procedures for creating and maintaining incident reports; and

(4) ensure the confidentiality of individual records and other information related to individuals.

(d) An individualized skills and socialization provider must prominently and conspicuously post for display in a public area of the on-site individualized skills and socialization location, or designated place of business for off-site only individualized skills and socialization, that is readily available to individuals, employees, and visitors:

(1) the license issued under this chapter;

(2) a sign prescribed by HHSC that describes complaint procedures and specifies how complaints may be filed with HHSC;

(3) a notice in the form prescribed by HHSC stating that survey and related reports are available at the on-site individualized

skills and socialization location for public survey and providing the HHSC toll-free telephone number that may be used to obtain information concerning the individualized skills and socialization provider;

(4) a copy of the most recent survey report relating to the individualized skills and socialization provider;

(5) a brochure, letter, or website that outlines the individualized skills and socialization provider's hours of operation, holidays, and a description of activities offered; and

(6) emergency telephone numbers, including the abuse hotline telephone number.

(e) In addition to the list of individuals served as described in §559.231(f)(3) of this subchapter (relating to Surveys and Visits), an individualized skills and socialization provider must also maintain an individual information document that includes:

(1) information on the individualized skills and socialization provider's service delivery method for each individual, such as on-site and off-site, or off-site only;

(2) the individual's name, identification, or clinical record number; and

(3) the date the individual began receiving on-site and off-site, or off-site only individualized skills and socialization services from the provider.

(f) An individualized skills and socialization provider may combine the list of individuals served and the information required for the individual information document into a single document. However, the provider must ensure the combined document meets all requirements of §559.231(f)(3) of this subchapter and subsection (e) of this section.

(g) An individualized skills and socialization provider may maintain records or forms either on the HHSC-prescribed form or on a provider-developed form or template maintained through the provider's own documentation system, whether digital or paper, including electronic health records or other documents maintained for the purpose of compliance with the licensure requirements of this subchapter, unless otherwise specified. Records maintained through the provider's own documentation system must:

(1) contain the same information as the HHSC-prescribed document or form as outlined in this subchapter;

(2) meet the confidentiality and recordkeeping requirements outlined in this subchapter; and

(3) be readily accessible and available for review by HHSC upon request, as required under §559.231(f) of this subchapter.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 560. DENIAL OR REFUSAL OF LICENSE

26 TAC §560.4

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §560.4, concerning Registry Listings Barring Licensure.

Section 560.4 is adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2230). This rule will be republished.

BACKGROUND AND JUSTIFICATION

The amendment is necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches for providers regulated by HHSC Long-Term Care Regulation (LTCR).

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC did not receive any comments regarding the proposed rule.

HHSC made changes to §560.4(1) to clarify how to determine if a person is employable while performing required searches.

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system and Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; and Texas Health and Safety Code Chapters 242, 247 and 248A, which authorize HHSC to license and regulate nursing facilities, assisted living facilities and prescribed pediatric extended care facilities; and Texas Human Resources Code, Chapter 103, which authorizes HHSC to license and regulate day activity and health services facilities.

§560.4. Registry Listings Barring Licensure.

HHSC may deny an application for an initial facility license, or refuse to renew a facility license, if the applicant for the facility license, the facility license holder, or a controlling person of the applicant or facility license holder is listed:

(1) on the Search Engine for Multi-Agency Reportable Conduct established under Texas Health and Safety Code Chapter 810; or

(2) with a revoked or suspended status on the Nurse Aide Registry maintained by HHSC in accordance with Texas Health and Safety Code Chapter 250.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 565. HOME AND COMMUNITY-BASED (HCS) PROGRAM AND COMMUNITY FIRST CHOICE (CFC) CERTIFICATION STANDARDS

SUBCHAPTER D. CERTIFICATION STANDARDS: STAFF MEMBER AND SERVICE PROVIDER REQUIREMENTS

26 TAC §565.9

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §565.9, concerning Program Provider Requirements.

Section 565.9 is adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2231). This rule will be republished.

BACKGROUND AND JUSTIFICATION

The amendment is necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long-Term Care Regulation (LTCR) must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC did not receive any comments regarding the proposed rule.

HHSC made changes to §565.9(b)(7)(A) to clarify how to determine if a person is employable while performing required searches.

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; Texas Government Code §524.002, which provides HHSC with the authority to administer federal funds and plan and direct the Medicaid program in each agency that operates a portion of the Medicaid program; and Texas Human Resources Code §32.021, which provides that HHSC shall adopt necessary rules for the proper and efficient operation of the Medicaid program.

§565.9. Program Provider Requirements.

(a) The program provider must ensure the continuous availability of trained and qualified service providers to deliver the required services, as determined by the individual's needs and characteristics.

(b) The program provider must:

(1) comply with §52.107 of this title (relating to Background Checks);

(2) comply with §52.123 of this title (relating to Personal Attendants), including when the service provider of supported home living or CFC personal assistance services/habilitation (CFC PAS/HAB) is employed by or contracts with a contractor of a program provider;

(3) obtain the criminal history record of the potential staff member or potential contractor from the Texas Department of Public Safety directly or through a private agency before hiring or contracting with the potential staff member;

(4) not employ or contract with a potential staff member, service provider, or volunteer who:

(A) has been convicted of an offense listed, and for the time periods set forth, in Texas Health and Safety Code §250.006;

(B) is a registered sex offender; or

(C) has been convicted of an offense that the program provider determines is a contraindication;

(5) search the following registries before hire or execution of a contract and every 12 months thereafter to determine if a staff member or service provider is eligible for employment:

(A) the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and Safety Code Chapter 810; and

(B) the Nurse Aide Registry;

(6) search the following registries before hire or execution of a contract and every month thereafter to determine if an employee or contractor is eligible for employment:

(A) the List of Excluded Individuals and Entities maintained by the United States Department of Health and Human Services; and

(B) the List of Excluded Individuals and Entities maintained by the HHSC Office of Inspector General; and

(7) not hire or continue employment for a staff member or service provider who is listed on:

(A) the SEMARC;

(B) the Nurse Aide Registry as revoked or suspended;

(C) the List of Excluded Individuals and Entities maintained by the United States Department of Health; or

(D) the List of Excluded Individuals and Entities maintained by Health and Human Services office of Inspector General or by HHSC Office of Inspector General.

(c) The program provider must develop and implement policy and procedures:

(1) that ensure only staff members and service providers with a valid driver's license and insurance transport individuals; and

(2) are revised if a shortcoming is identified.

(d) If the service provider of supported home living or CFC PAS/HAB is employed by or contracts with a contractor of a program provider, the program provider must ensure that the contractor complies with subsection (b)(2) of this section as if the contractor were the program provider.

(e) The program provider must:

(1) employ or contract with a person or entity of the individual's or legally authorized representative's (LAR's) choice to provide a Home and Community-based Services Program or CFC service to the individual if that person or entity:

(A) is qualified to provide the service; and

(B) is willing to contract with or be employed by the program provider to provide the service in accordance with this subchapter; or

(2) have and document good cause not to employ or contract with the person or entity of the individual's or LAR's choice.

(f) If a program provider contracts with a person or entity to provide transition assistance services (TAS), the person or entity must have a contract to provide TAS in accordance with Chapter 52 of this title (relating to Contracting for Community Services).

(g) The program provider must create and implement a policy that prevents:

(1) conflicts of interest between the program provider, a staff member, or a service provider and an individual, such as the acceptance of payment for goods or services (except payment for room and board) from which the program provider, staff member, or service provider could financially benefit;

(2) financial impropriety toward an individual including:

(A) unauthorized disclosure of information related to an individual's finances; and

(B) any purchase of goods that are not requested for the individual, cannot be used by the individual, or are not intended for the individual's use;

(3) abuse, neglect, or exploitation of an individual;

(4) damage to, or prevention of an individual's access to, the individual's possessions; and

(5) threats of the actions described in paragraphs (2) - (4) of this subsection.

(h) A program provider must comply with 42 United States Code §1396a(w) regarding requirements about advance directives.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 566. TEXAS HOME LIVING (TXHML) PROGRAM AND COMMUNITY FIRST CHOICE (CFC) CERTIFICATION STANDARDS

26 TAC §566.9

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §566.9, concerning Certification Principles: Staff Member and Service Provider Requirements.

Section 566.9 is adopted with changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2233). This rule will be republished.

BACKGROUND AND JUSTIFICATION

The amendment is necessary to implement Senate Bill 1849, 88th Legislature, Regular Session, 2023, which created Texas Health and Safety Code Chapter 810, Interagency Reportable Conduct Search Engine. While the Texas Department of Information Resources was responsible for creating the search engine, the chapter also required HHSC to amend rules relating to the Employee Misconduct Registry search engine and required background check searches providers regulated by HHSC Long-Term Care Regulation (LTCR) must conduct before employing individuals.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC did not receive any comments regarding the proposed rule.

HHSC made changes to §566.9(b)(7)(A) to clarify how to determine if a person is employable while performing required searches.

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Health and Safety Code Chapter 810, which requires HHSC and LTCR providers to use a new interagency search engine to verify employability; Texas Government Code §524.002, which provides HHSC with the authority to administer federal funds and plan and direct the Medicaid program in each agency that operates a portion of the Medicaid program; and Texas Human Resources Code §32.021, which provides that HHSC shall adopt necessary rules for the proper and efficient operation of the Medicaid program.

§566.9. Certification Principles: Staff Member and Service Provider Requirements.

(a) The program provider must ensure the continuous availability of trained and qualified employees and contractors to provide the services in an individual's IPC.

(b) The program provider must:

(1) comply with §52.107 of this title (relating to Background Checks);

(2) comply with §52.123 of this title (relating to Personal Attendants), including when the service provider of supported home

living or CFC PAS/HAB is employed by or contracts with a contractor of a program provider;

(3) obtain the criminal history record of the potential staff member or potential contractor from the Texas Department of Public Safety directly or through a private agency before hiring or contracting with the potential staff member;

(4) not employ or contract with a potential staff member, service provider, or volunteer who:

(A) has been convicted of an offense listed, and for the time periods set forth, in Texas Health and Safety Code §250.006;

(B) is a registered sex offender; or

(C) has been convicted of an offense that the program provider determines is a contraindication;

(5) search the following registries before hire or execution of a contract and every year to determine if a staff member or service provider is eligible for employment:

(A) the Search Engine for Multi-Agency Reportable Conduct (SEMARC) established under Texas Health and Safety Code Chapter 810; and

(B) the nurse aide registry;

(6) search the following registries before hire or execution of a contract and at least once every 12 months thereafter to determine if an employee or contractor is eligible for employment:

(A) the List of Excluded Individuals and Entities maintained by the United States Department of Health and Human Services; and

(B) the List of Excluded Individuals and Entities maintained by the HHSC Office of Inspector General; and

(7) not hire or continue employment for a staff member or service provider who is listed on:

(A) the SEMARC;

(B) the nurse aide registry as revoked or suspended;

(C) the List of Excluded Individuals and Entities maintained by the United States Department of Health and Human Services; or

(D) the List of Excluded Individuals and Entities maintained by the Texas Health and Human Services Office of Inspector General.

(c) The program provider must develop and implement policy and procedures that:

(1) ensure only staff members and service providers with a valid driver's license and insurance transport individuals; and

(2) are revised if a shortcoming is identified.

(d) If the service provider of supported home living or CFC PAS/HAB is employed by or contracts with a contractor of a program provider, the program provider must ensure that the contractor complies with subsection (b)(2) of this section as if the contractor were the program provider.

(e) The program provider must employ or contract with a service provider of the individual's or LAR's choice to provide a TxHmL Program service or a CFC service if that service provider:

(1) is qualified to provide the service;

(2) unless the program provider agrees to pay a higher amount, provides the service at or below:

(A) for any service except CFC ERS, the direct services portion of the applicable TxHmL Program rate; and

(B) for CFC ERS, the reimbursement rate; and

(3) contracts with or is employed by the program provider.

(f) The program provider must:

(1) conduct initial and periodic training that ensures staff members and service providers are trained and qualified to deliver services as required by the current needs and characteristics of the individual to whom they deliver services; and

(2) ensure that a staff member who participates in developing an implementation plan for CFC PAS/HAB completes person-centered service planning training approved by HHSC:

(A) by June 1, 2017, if the staff member was hired on or before June 1, 2015; or

(B) within two years after hire, if the staff member was hired after June 1, 2015.

(g) The program provider must implement and maintain personnel practices that safeguard an individual against infectious and communicable diseases.

(h) The program provider must prevent:

(1) conflicts of interest between program provider personnel and an individual;

(2) financial impropriety toward an individual;

(3) abuse, neglect, or exploitation of an individual; and

(4) threats of harm or danger toward an individual's possessions.

(i) The program provider must employ or contract with a person who oversees the provision of TxHmL Program services and CFC services to an individual. The person must:

(1) have at least three years paid work experience in planning and providing TxHmL Program services or CFC services to an individual with an intellectual disability or related condition as verified by written statements from the person's employer; or

(2) have both of the following:

(A) at least three years of experience planning and providing services similar to TxHmL Program services or CFC services to a person with an intellectual disability or related condition as verified by written statements from organizations or agencies that provided services to the person; and

(B) participation as a member of a microboard, as verified in writing by:

(i) the certificate of formation of the non-profit corporation under which the microboard operates filed with the Texas Secretary of State;

(ii) the bylaws of the non-profit corporation; and

(iii) a statement by the board of directors of the non-profit corporation that the person is a member of the microboard.

(j) The program provider must ensure that a service provider of community support, day habilitation, or respite is at least 18 years of age and:

(1) has a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma; or

(2) has documentation of a proficiency evaluation of experience and competence to perform the job tasks that includes:

(A) written competency-based assessment of the ability to document service delivery and observations of an individual to be served; and

(B) at least three written personal references from persons not related by blood that indicate the ability to provide a safe, healthy environment for an individual being served.

(k) The program provider must ensure that a service provider of employment assistance or a service provider of supported employment:

(1) is at least 18 years of age;

(2) is not:

(A) the spouse of the individual; or

(B) a parent of the individual if the individual is a minor; and

(3) has:

(A) a bachelor's degree in rehabilitation, business, marketing, or a related human services field, and at least six months of paid or unpaid experience providing services to people with disabilities;

(B) an associate's degree in rehabilitation, business, marketing, or a related human services field, and at least one year of paid or unpaid experience providing services to people with disabilities; or

(C) a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma, and at least two years of paid or unpaid experience providing services to people with disabilities.

(l) A program provider must ensure that the experience required by subsection (k) of this section is evidenced by:

(1) for paid experience, a written statement from a person who paid for the service or supervised the provision of the service; and

(2) for unpaid experience, a written statement from a person who has personal knowledge of the experience.

(m) The program provider must ensure that a service provider who provides transportation:

(1) has a valid driver's license; and

(2) transports individuals in a vehicle insured in accordance with state law.

(n) The program provider must ensure that dental treatment is provided by a dentist licensed in accordance with Texas Occupations Code Chapter 256.

(o) The program provider must ensure that nursing is provided by an RN or an LVN.

(p) The program provider must ensure that adaptive aids meet applicable standards of manufacture, design, and installation.

(q) The program provider must ensure that a service provider of behavioral support:

(1) meets one of the following:

(A) is licensed as a psychologist in accordance with Texas Occupations Code Chapter 501;

(B) is licensed as a psychological associate in accordance with Texas Occupations Code Chapter 501;

(C) is certified by HHSC as described in §304.302 of this title (relating to Certified Authorized Provider);

(D) is licensed as a licensed behavior analyst in accordance with Texas Occupations Code Chapter 506;

(E) has been issued a provisional license to practice psychology in accordance with Texas Occupations Code Chapter 501;

(F) is licensed as a licensed clinical social worker in accordance with Texas Occupations Code Chapter 505; or

(G) is licensed as a licensed professional counselor in accordance with Texas Occupations Code Chapter 503; and

(2) completes the web-based HHSC HCS and TxHmL Behavioral Support Services Provider Policy Training available on the HHSC website:

(A) before providing behavioral support services;

(B) within 90 calendar days after the date HHSC issues notice to program providers that HHSC revised the web-based training; and

(C) within three years after the most recent date of completion.

(r) The program provider must ensure that minor home modifications are delivered by contractors who provide the service in accordance with state and local building codes and other applicable regulations.

(s) The program provider must ensure that a service provider of professional therapies is licensed for the specific therapeutic service provided as follows:

(1) for audiology services, an audiologist licensed in accordance with Texas Occupations Code Chapter 401;

(2) for speech and language pathology services, a speech-language pathologist or licensed assistant in speech-language pathology licensed in accordance with Texas Occupations Code Chapter 401;

(3) for occupational therapy services, an occupational therapist or occupational therapy assistant licensed in accordance with Texas Occupations Code Chapter 454;

(4) for physical therapy services, a physical therapist or physical therapist assistant licensed in accordance with Texas Occupations Code Chapter 453; and

(5) for dietary services, a licensed dietitian licensed in accordance with Texas Occupations Code Chapter 701.

(t) The program provider must comply with §52.107 of this title (relating to Background Checks).

(u) A program provider must comply with §52.123 of this title (relating to Personal Attendants).

(v) If the service provider of community support or CFC PAS/HAB is employed by or contracts with a contractor of a program provider, the program provider must ensure that the contractor complies with subsection (u) of this section as if the contractor were the program provider.

(w) A program provider must:

(1) ensure that a service provider of CFC PAS/HAB:

(A) is at least 18 years of age;

(B) has:

(i) a high school diploma or a certificate recognized by a state as the equivalent of a high school diploma; or

(ii) documentation of a proficiency evaluation of experience and competence to perform the job tasks that includes:

(I) a written competency-based assessment of the ability to document service delivery and observations of the individuals to be served; and

(II) at least three written personal references from persons not related by blood that indicate the ability to provide a safe, healthy environment for the individuals being served;

(C) is not:

(i) the spouse of the individual; or

(ii) a parent of the individual if the individual is a minor; and

(D) meets any other qualifications requested by the individual or LAR based on the individual's needs and preferences; and

(2) if requested by an individual or LAR:

(A) allow the individual or LAR to train a CFC PAS/HAB service provider in the specific assistance needed by the individual and to have the service provider perform CFC PAS/HAB in a manner that comports with the individual's personal, cultural, or religious preferences; and

(B) ensure that a CFC PAS/HAB service provider attends training by HHSC so the service provider meets any additional qualifications desired by the individual or LAR.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 10, 2026.

TRD-202602852
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: July 30, 2026
Proposal publication date: April 3, 2026
For further information, please call: (512) 438-3161

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 1. GENERAL LAND OFFICE

CHAPTER 15. COASTAL AREA PLANNING

SUBCHAPTER A. MANAGEMENT OF THE BEACH/DUNE SYSTEM

31 TAC §15.36

The General Land Office (GLO) adopts an amendment to 31 Texas Administrative Code (TAC) §15.36 relating to the Certification Status of the City of Galveston Dune Protection and Beach Access Plan (Plan), without changes to the proposed text.

The proposed rule was published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3531) and will not be republished.

The GLO adopts new subsection §15.36(f) to certify the amendments to the City of Galveston's Plan as consistent with state law.

BACKGROUND OF THE AMENDMENT

Pursuant to the Open Beaches Act, Texas Natural Resources Code (TNRC) Chapter 61; the Dune Protection Act, TNRC Chapter 63; TNRC §33.607, and 31 Texas Administrative Code (TAC) §§15.3, 15.7, and 15.17, a local government with jurisdiction over Gulf coast beaches must submit any proposed amendments to its Plan to the GLO for certification. If appropriate, the GLO will certify the Plan as consistent with state law by amendment of a rule, as authorized in TNRC §§61.011(d)(5), 61.015(b), and 63.121. The certification by rule reflects the state's certification of the Plan; however, the text of the Plan is not adopted by the GLO, as provided in 31 TAC §15.3(o)(4).

On November 13, 2025, the Galveston City Council passed Ordinance No. 25-061, which expanded the Restricted Use Area at Access Point 1(C) from 2,640 to 3,690 linear feet and reduced the on-beach parking at Access Point 13 from 350 feet to 100 feet since prior improvements to the off-beach parking area and pedestrian pathway to the beach have been completed.

The City is a coastal community in Galveston County, located on Galveston Island and bordering West Bay, Galveston Bay, and the Gulf of Mexico. The City's Dune Protection and Beach Access Plan was first adopted on August 12, 1993, and most recently amended to allow a variance for the use of reinforced concrete, prohibit vehicular access at Access Point 7, and to update the Beach Access and Parking Plan in Appendix A and Beach Access Maps in Exhibit C, and was certified by the GLO as consistent with state law effective November 7, 2024.

ANALYSIS OF PLAN AMENDMENTS

The size of the Restricted Use Area (RUA) at Access Point (AP) 1(C) will increase by 1,050 linear feet. The existing RUA is a 2,640-foot-long stretch of beach adjacent to the east end of Stewart Beach that is open to vehicles for persons with disabilities, people who are fishing, or people who are launching non-motorized personal watercraft. The RUA is also accessible to pedestrians from an adjacent off-beach parking area. The expansion of the RUA will preserve and enhance the public's use of and access to the beach as required in 31 TAC §15.7(h) since select vehicular access to the beach will be increased and pedestrian beach access from the existing off-beach parking area will be maintained. Any future actions to remove vehicles from this area must comply with requirements for pedestrian beaches in 31 TAC §15.7(h).

The on-beach parking at AP 13 will be reduced from 350 feet to 100 feet and the City will remove the language in the Plan that states that on-beach parking will be provided while substantial physical improvements to the off-beach parking lot and pedestrian pathway occur. The on-beach parking at this access point was provided as an interim measure as part of the City's Compliance Plan to address beach access and parking compliance issues. AP 13 previously did not have the off-beach parking or the pedestrian pathway to the beach required by the City's existing Plan. The City has completed improvements to the off-beach parking lot and pedestrian pathway to the beach, making the on-beach parking area no longer necessary as an interim compliance measure. Instead of removing the entirety of the 350-foot on-beach parking area, the City will leave 100 feet of on-beach parking at this access point.

The Beach Access Map for AP 22 will be amended to change the location of the off-beach public parking spaces. The total number of parking spaces remains the same.

PUBLIC COMMENTS

The 30-day public comment period ended on June 22, 2026. During this period, the GLO did not receive any comments.

STATUTORY AUTHORITY

The amendments are adopted under Texas Natural Resources Code §§33.602, 33.607, 61.011, 61.015(b), 61.022 (b) & (c), 63.091, and 63.121, which provide the GLO with the authority to adopt rules governing the preservation and enhancement of the public's right to access and use public beaches and certification of local government beach access and dune protection plans as consistent with state law.

Texas Natural Resources Code §§33.602, 33.607, 61.011, 61.015(b), 61.022 (b) & (c), 63.091, and 63.121 are affected by the amendments. The GLO hereby certifies that the section as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 13, 2026.

TRD-202602860
Jennifer Jones
Chief Clerk and Deputy Land Commissioner
General Land Office
Effective date: August 2, 2026
Proposal publication date: May 22, 2026
For further information, please call: (512) 475-1859

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PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 65. WILDLIFE
SUBCHAPTER W. SPECIAL PERMITS

31 TAC §65.907

The Texas Parks and Wildlife Commission, in a duly noticed meeting on March 26, 2026, adopted an amendment to 31 TAC §65.907, concerning Special Take Authorization - Wildlife, with changes to the proposed text as published in the February 20, 2026, issue of the *Texas Register* (51 TexReg 1026). The rule will be republished.

The change replace the word "applicant" with the word "requester" throughout the rule and removes an extraneous comma in subsection (l)(2).

The amendment broadens the scope of the current rule governing authorization for take to encompass other wildlife heath or disease-related scenarios in addition to those involving deer. In general, the rule as adopted creates flexibility to address future wildlife-disease-related situations by allowing landowners to take any species of wildlife as authorized by the department. The language to reflect this broadening is made throughout the rule as necessary.

Subsection (a) replaces the word "application" with "request" to distinguish the process of obtaining an authorization from other administrative processes related to permit and license issuance. Additionally, the amendment alters paragraph (2) to remove the stipulation that an inspection is required prior to issuance of an authorization. In many cases, the department is already familiar with or can easily evaluate a given situation without needing to physically visit a site.

The amendment to subsection (d) removes current language enumerating particulars (who is authorized to act under the authorization, means and methods of take, carcass disposal, etc.) and replaces it with a general provision stipulating that the department will address such particulars as part of the authorization, which is intended to simplify the rule and increase response times.

Similarly, the amendments to subsections (e) and (f) simplify current rule language. The amendment to subsection (e) simplifies provisions governing the period of validity of an authorization by removing language establishing specific time periods and subsequent extensions, replacing them with a general provision to establish that the period of validity of an authorization will be specified in the authorization. The amendment to subsection (f) replaces language regarding the specific process in current rule regarding tissue collection necessary for CWD testing and replaces it with a general provision allowing the department to specify in the authorization such processes and tissues as necessary for any given species of animal/disease.

The amendment to subsection (i) removes specific disposal requirements related to deer and replaces it with a provision allowing the department to specify carcass and tissue disposal measures in the authorization as necessary and appropriate, and for the same reasons identified earlier in this preamble in the discussion of the changes to subsections (e) and (f).

The department received seven comments opposing adoption of the rules as proposed. Of those comments, four provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow. The department notes that because some comments in opposition to the rules consisted of multiple points or components, the department has organized the response to public comment accordingly; therefore, the number of responses is greater than the number of commenters.

Two commenters opposed adoption of the rules as proposed and stated that the rules result in excess bureaucracy, authority, and overreach. The department disagrees with the comments and responds that it has a statutory duty to protect the indigenous wildlife of the state, the rule is consistent with that duty as well as with the authority granted by the legislature to the commission to implement it, and the rule as adopted in fact reduces complexity, simplifies regulatory presence, and facilitates administrative efficiency. No changes were made as a result of the comments.

One commenter opposed adoption of the rule as proposed and stated that too much is left to the discretion of the agency. The department disagrees with the comment and responds that it is impossible to craft rule language that anticipates all, most, or even many of the scenarios that could present themselves with respect to disease emergence and subsequent management efforts for any given species; therefore broad language is necessary in order to provide the department with the latitude to respond quickly in the event that a disease emergency threatens the state's wildlife resources. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated that the language prohibiting the recording or photography of take activities will result in limited transparency and restricts the autonomy of landowners. The department disagrees with the comment and responds that it is not germane to the rule as proposed or adopted; however, the department notes that the rule is intended solely as a disease-management tool and not as a vehicle for curiosity media pieces, commercial exploitation, or public spectacle. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed, specifically, to the requirement for persons acting under the provisions of an authorization to possess a hunting license. The department disagrees with the comment and responds that the comment is not germane to the rule as proposed or adopted and in any case Parks and Wildlife Code, Chapter 42, provides that no person may take any animal or bird (with specific exceptions) without having first acquired a hunting license, which the commission does not possess the authority to eliminate or modify. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated concern regarding the take of avian wildlife species, including those protected under the federal Migratory Bird Treaty Act, under the guise of a response to Highly Pathogenic Avian Influenza ("bird flu"), and whether this could be used to kill endangered or closely monitored species. The department disagrees that the rule as adopted will, under any circumstances, be used for any purpose other than legitimate, articulable, and scientifically defensible disease-management purposes or that the rule exempts any prohibitions under federal law, which the commission does not possess the authority to eliminate or modify. No changes were made as a result of the comment.

The department received 17 comments supporting adoption of the rules as proposed.

The Texas and Southwestern Cattle Raisers Association and the Texas Wildlife Association supported adoption of the rules as proposed.

The amendment is adopted under the authority of Parks and Wildlife Code, §12.013, which authorizes the commission to adopt rules governing the take of wildlife under the supervision of a department employee in a program or event designated by the director as being conducted for the diagnosis, management, or prevention of a disease in wildlife.

§65.907. Special Take Authorization - Wildlife.

(a) The department may issue a special take authorization for the take of wildlife for purposes of assisting the department in conducting wildlife disease diagnosis, management, or prevention (hereinafter, "special take authorization"), as provided in this subsection. A person may request a special take authorization by completing and submitting a request on a form supplied or approved by the department for that purpose.

(1) The department will not consider an incomplete request for a special take authorization.

(2) The department may, at its discretion, conduct an inspection.

(3) A special take authorization shall be issued only to a named individual and not in the name of any corporation, business, association, or group.

(b) A special take authorization is not valid until:

(1) the requester has acknowledged, in writing via email to the department employee identified as the supervisory point of contact, that the requester and all agents of the requester have read and understand all:

(A) provisions of the special take authorization; and

(B) attendant obligations of the person to whom the special take authorization is issued and that person's agents; and

(2) it has been approved in writing by the director of the department's Wildlife Division or designee and the director of the department's Law Enforcement Division or designee.

(c) A special take authorization shall specify the number and species of wildlife to be taken. No wildlife other than the number and species authorized shall be taken.

(d) The conditions and requirements for the take of wildlife shall be listed in the special take authorization.

(e) A special take authorization is valid for the duration specified in the special take authorization issued to the requester. A copy of the special take authorization or a reproduction of the special take authorization on an electronic device (such as a cell phone or tablet) shall be produced upon request of a department employee in the discharge of their official duties. A copy of the email from the department granting an extension of a special take authorization or a reproduction of that email on an electronic device (such as a cell phone or tablet) shall be produced upon request of a department employee in the discharge of their official duties.

(f) Any tissues or parts of wildlife specified in the authorization must be submitted to the department or an approved lab as directed in the special take authorization.

(g) The department will not issue a special take authorization for the take of wildlife on any tract of land unless:

(1) the owner of the land is in compliance with all applicable provisions of Chapter 65, Subchapter A and Subchapter B, of this title; or

(2) the department determines that the disease management value of the prospective activities is a factor of such significance that approval is warranted.

(h) Wildlife taken during the period of validity of a special take authorization shall be reported to the department within 24 hours of removal via email or other department approved notification method to the department's wildlife division representative coordinating the authorization.

(i) Following submission to the department of any tissues or parts necessary as directed in a special take authorization, a person to whom the special take authorization or an agent thereof shall dispose of all remaining portions or parts of wildlife as directed by the department in the special take authorization.

(j) The department will not issue a special take authorization unless the requester agrees in writing not to record by means of video, photograph, or other electronic media the act of taking or attempting to take wildlife under a special take authorization, or allow such recordings, or to make such recordings available to the public.

(k) This section shall not be construed to relieve any person of the obligation to comply with any applicable municipal, county, state, or federal law, except as may be specifically authorized with respect to Parks and Wildlife Code and the regulations of the commission.

(l) It is an offense for any person to:

(1) take or attempt to take wildlife under a special take authorization without possessing a hunting license valid for the take of deer in Texas;

(2) sell, barter, offer to sell or barter, or otherwise give or receive anything of value in exchange for taking or allowing the take of wildlife or any parts of the animal under a special take authorization.

(m) The validity of a special take authorization is completely conditioned on the conduct of the person to whom the special take authorization is issued and agents of that person. Failure to abide by or comply with any provision of a special take authorization, as determined by the department, automatically invalidates the authorization and subjects the violator to prosecution for applicable violations of Parks and Wildlife Code, Chapters 42, 43, 61, 62, or 63 and any department regulations related to the take of wildlife listed on the authorization for take.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 8, 2026.

TRD-202602794
James Murphy
General Counsel
Texas Parks and Wildlife Department
Effective date: July 28, 2026
Proposal publication date: February 20, 2026
For further information, please call: (512) 389-4775

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PART 18. TEXAS GROUNDWATER PROTECTION COMMITTEE

CHAPTER 601. GROUNDWATER CONTAMINATION REPORT

The Texas Groundwater Protection Committee (TGPC or committee) adopts amendments to 31 Texas Administrative Code (TAC) §§601.1 - 601.3, 601.5, and 601.10.

Amended §§601.1 - 601.3, 601.5, and 601.10 are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2611) and, therefore, will not be republished.

Background and Summary of the Factual Basis for the Adopted Rules

The purpose of this rule adoption is to implement the provisions of Senate Bill (SB) 2124 and to address provisions of SB 1663, both passed during the 89th Legislature Regular Session (2025).

SB 2124 amended the publication deadline for the committee's annual Joint Groundwater Monitoring and Contamination Report (Joint Report). SB 1663 amended the list of entities to receive notice of groundwater contamination to include the residents of each residential address within one mile of the contamination site and allowed alternative delivery methods.

The rule adoption amends the publication deadline for the Joint Report to align with the date referenced in Texas Water Code (TWC), §26.406(c) and updates the form and content for a notice of groundwater contamination to more closely align with the new requirements in TWC, §26.408(b). The rule adoption also makes clarifying language updates to one sub-section of 31 TAC Chapter 601, along with additional non-substantive grammatical and formatting changes for improved clarity and consistency.

The rules in 31 TAC Chapter 601 define the conditions that constitute groundwater contamination for the purpose of inclusion of cases in the public files for each state agency having responsibilities related to the protection of groundwater. The rules also describe the contents of the committee's Joint Report required under TWC, §26.406. The Joint Report describes the current status of groundwater monitoring activities conducted by or required by each agency at regulated facilities or associated with regulated activities; contains a description of each case of groundwater contamination documented during the previous calendar year; contains a description of each case of contamination documented during the previous year for which enforcement action was incomplete at the time of issuance of the preceding report; and, indicates the status of enforcement action for each case of contamination which is listed.

The rules also specify the form and content of a notice of groundwater contamination as directed by TWC, §26.408(c). The charge to the committee under TWC, §26.408(c) is limited to adopting rules that prescribe the form and content of the notice required under §26.408(b). Currently, 31 TAC §601.10 references who receives notice: specifically, the owner of a private drinking water well that may be affected by the contamination and each applicable Groundwater Conservation District (GCD). SB 1663 added that notice must be provided to all residents at each residential address within one mile of the contamination, which is not included in the rule. Since applicability is addressed by TWC, §26.408(c) and the committee is not charged by statute with further defining applicability, the adopted rulemaking removes applicability provisions in the first paragraph of 31 TAC 601.10. The adopted rulemaking also updates the content of the notification.

Section by Section Discussion

The adopted amendment to §601.1, Purposes of Rules, adds a comma at the end of sub-section (2) and clarifies that the form and content of the notice of groundwater contamination is required under TWC, §26.408(c).

The adopted amendment to §601.2, Applicability, adds a comma at the end of sub-section (9).

The adopted amendment to §601.3, Definitions, in sub-section (8), removes a comma after "Texas Water Code, §26.403(c)" and updates the names of two member agencies to match those listed in §601.2, Applicability.

The adopted amendment to §601.5, Joint Groundwater Monitoring and Contamination Report, aligns the Joint Report's publication deadline with the date referenced in TWC, §26.406(c), clarifies that the Joint Report is an annual report, and adds a comma at the end of sub-section (2).

The adopted amendment to §601.10, Form and Content of Groundwater Contamination Notice, clarifies that the form and content of the notice of groundwater contamination is required under TWC, §26.408(c); references TWC, §26.408(b) instead of listing those that receive the notification; adds a comma at the end of sub-section (1); and, updates the content of the notice of groundwater contamination required under TWC, §26.408(c) to include a website or other resource with the name of the contaminant(s), the general location of the known groundwater contamination, and contact options for further information.

Final Regulatory Impact Determination

The committee reviewed the adopted amendments in consideration of the regulatory analysis of major environmental rules required by the Texas Government Code (TGC). The following is a summary of that review.

The committee determined that the rulemaking is not subject to TGC, §2001.0225(a) because it does not meet the definition of a "Major environmental rule" as that term is defined in TGC, §2001.0225(g)(3).

Section 2001.0225 applies to a "Major environmental rule" adopted by a state agency, the result of which is to exceed standards set by federal law, exceed express requirements of state law, exceed requirements of delegation agreements between the state and the federal government to implement a state and federal program, or adopt a rule solely under the general powers of the agency instead of under a specific state law. A "Major environmental rule" is a rule, the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector or the state.

The 89th Legislature Regular Session (2025) enacted SB 2124, which amended TWC, Chapter 26, Subchapter J (Groundwater Protection) by changing the date referenced in TWC, §26.406(c), which is also the date the committee, in conjunction with the commission, must publish not later than June 1, rather than April 1, of each year a "Joint Groundwater Monitoring and Contamination Report" (Joint Report) covering the activities and findings of the committee made during the previous calendar year as part of its continuing duty to coordinate state agency actions to protect groundwater quality and terrestrial and aquatic life.

The committee's rules require that in cases of groundwater contamination, all state agencies having responsibilities related to protecting groundwater must document each case in the public files of that state agency. The Joint Report requires these applicable state agencies' programs to close out calendar year activities and gather and analyze significant volumes of data. The committee must then combine all the agencies' programs' data and conduct further analysis. Because quality assurance and control are integral components of the process to prepare the Joint Report, changing the date that the Joint Report must be published to June 1, rather than April 1, of each year the Joint Report is required, allows the committee two more months to finish the time-intensive analysis required to prepare the Joint Report.

Therefore, the specific intent of the adopted rule amendments is related to maximizing the quality assurance and control integral to the committee's implementation of state law. SB 2124 amends Chapter 26 of the TWC by changing the date referenced in TWC, §26.406(c), and the adopted rulemaking amends the committee rules found at Title 31 of the Texas Administrative Code, Chapter 601 (Groundwater Contamination Report), which implements TWC, Subchapter J (Groundwater Protection). The adopted rule amendments align the Joint Report's publication deadline with the date referenced in TWC, §26.406(c).

Certain aspects of the committee's Joint Report rules are intended to protect the environment or reduce risks to human health from environmental exposure. However, the adopted rulemaking will not adversely affect in a material way the economy, a sector of the economy, productivity, competition, or jobs; nor would the adopted rulemaking adversely affect in a material way the environment, or the public health and safety of the state or a sector of the state. Therefore, the adopted rulemaking does not fit the TGC, §2001.0225 definition of "Major environmental rule."

Even if this rulemaking was a "Major environmental rule," this rulemaking meets none of the criteria in TGC, §2001.0225 for the requirement to prepare a full Regulatory Impact Analysis. First, this rulemaking is not governed by federal law. Second, it does not exceed state law but rather amends an applicable date within state law and committee rules. Third, it does not come under a delegation agreement or contract with a federal program, and finally, it is not being adopted under the committee's general rulemaking authority. This rulemaking is being adopted under a specific state statute amended in SB 2124 of the 89th Legislature Regular Session (2025) and implements existing state law found at TWC, §26.406 that mandates that the committee publish a Joint Report. Because this adoption does not constitute a major environmental rule, a regulatory impact analysis is not required. Therefore, the committee does not adopt the rule solely under the committee's general powers.

The committee invited public comment regarding the Draft Regulatory Impact Analysis Determination during the public comment period and no comments were received on that determination.

Takings Impact Assessment

The committee evaluated the adopted rulemaking and performed an analysis of whether it constitutes a taking under TGC, Chapter 2007. The following is a summary of that analysis.

Under TGC, §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or Section 17 or 19, Article I, Texas Constitution; or a governmental action that affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action and is the producing cause of a reduction of at least 25% in the market value of the affected private real property, determined by comparing the market value of the property as if governmental action is not in effect and the market value of the property determined as if the governmental action is in effect.

The specific purpose of the adopted rulemaking is to implement the legislative amendments to the TWC in SB 2124 by amending committee's Joint Report rules. The committee's Joint Report rules do not regulate property but instead regulate the documentation of groundwater contamination. The adopted rulemaking will substantially advance the stated purpose by amending rule language that requires that the committee publish the Joint Report on April 1 of a calendar year that a Joint Report is required, to June 1 of that calendar year.

Promulgation and enforcement of the adopted rules will not be a statutory or constitutional taking of private real property because, as the committee's analysis indicates that Chapter 2007 of the TGC does not apply to these adopted rules because these rules do not impact private real property in a manner that would require compensation to private real property owners under the United States Constitution or the Texas Constitution. Specifically, the adopted rulemaking does not apply to or affect any landowner's rights in any private real property because it does not burden (constitutionally), restrict, or limit any landowner's right to real property and reduce any property's value by 25% or more beyond that which would otherwise exist in the absence of the regulations. The primary purpose of the adopted rules is to implement SB 2124 by changing the date referenced in TWC, §26.406(c). The adopted rulemaking is reasonably taken to fulfill requirements of state law. Therefore, the adopted rulemaking will not cause a taking under TGC, Chapter 2007.

The committee invited public comments regarding the Takings Impact Assessment during the public comment period and no comments were received regarding the Takings Impact Assessment.

Consistency with the Coastal Management Program

The committee reviewed the adopted rulemaking and found that the rule is neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11, nor will it affect any action or authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11. Therefore, the adopted rule is not subject to the Texas Coastal Management Program (CMP).

The committee invited public comments regarding the consistency with the CMP during the public comment period and no comments were received regarding the CMP.

Public Comment

The comment period closed on May 26, 2026. The committee received comments from one individual. The commentor was not in support of or against the rulemaking, and the commentor did not suggest any changes to the proposal.

Response to Comments

Comment

The commentor asked why a developer was planning to route treated wastewater across his property.

Response

The committee acknowledges the comment. The comment is outside of the scope of this rulemaking, and no changes were made in response to the comment.

SUBCHAPTER A. GENERAL PROVISIONS RELATING TO PUBLIC FILES AND JOINT REPORT

31 TAC §§601.1 - 601.3, 601.5

Statutory Authority

The Texas Groundwater Protection Committee (TGPC or committee) adopts these amendments to the committee's rules under the Texas Water Code (TWC). TWC, §26.403 establishes the committee and its members, while TWC, §26.401 identifies the committee's purpose, and TWC, §26.405 provides the committee with the authority to carry out its duties and general powers under its jurisdictional authority as provided by TWC, §26.405(1). TWC, §§26.404(e) and 26.406(d) require the committee to adopt any rule necessary to carry out its powers and duties under the TWC and other laws of the state. Lastly, TWC, §26.406(c) requires the committee, in conjunction with the commission, to publish the annual Joint Groundwater Monitoring and Contamination Report (Joint Report).

These amendments implement Senate Bill 2124, 89th Legislature Regular Session (2025), TWC, §§26.401, 26.403 - 26.406.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Amy Browning
Deputy Director, Environmental Law Division
Texas Groundwater Protection Committee
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Proposal publication date: April 24, 2026
For further information, please call: (512) 239-2678

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SUBCHAPTER B. NOTICE OF GROUNDWATER CONTAMINATION

31 TAC §601.10

Statutory Authority

The Texas Groundwater Protection Committee (TGPC or committee) adopts these amendments to the committee's rules under the Texas Water Code (TWC). TWC, §26.403 establishes the committee and its members, while TWC, §26.401 identifies the committee's purpose, and TWC, §26.405 provides the committee with the authority to carry out its duties and general powers under its jurisdictional authority as provided by TWC, §26.405(1). TWC, §§26.404(e) and 26.406(d) require the committee to adopt any rule necessary to carry out its powers and duties under the TWC and other laws of the state. Lastly, TWC, §26.408(c) requires the committee, by rule, to prescribe the form and content of the groundwater contamination notice required under TWC, §26.408(b).

These amendments address provisions of Senate Bill 1663, 89th Legislature Regular Session (2025), TWC, §26.408(b).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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